THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 25 NUMBER 23

Washington, Wednesday, February 3, 1960

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF FUMIGATION OF MANGOES AND PLUMS FROM MEXICO

Pursuant to the authority conferred by § 319.56–2 of the regulations (7 CFR 319.56–2, as amended) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions appearing as 7 CFR 319.56–2j are hereby amended to read as follows:

§ 319.56–2j Administrative instructions prescribing method of fumigation of mangoes and plums from Mexico.

Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit, through ports specified in the permit, for all shipments of mangoes and plums from Mexico.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The chamber must be equipped with a gas-tight glass window to permit viewing the electrically heated vaporizing pan inside the chamber while fumigation is in progress. The Plant Quarantine Division will approve only those chambers which are properly constructed, satisfactorily maintained, adequately equipped, and at locations where required supervision can be furnished.

(2) The ethylene dibromide, a liquid at ordinary temperatures, must be volatilized within the sealed fumigation chamber in an electrically heated vaporizing pan. The gas within the chamber shall be circulated by an electric fan or blower during the period of volatilization and continuously thereafter during the 2-hour exposure period. The 2-hour exposure period shall begin when volatilization is complete.

(3) Mangoes to be fumigated may be packed in export flats with wood excelsior before treatment. Plums to be fumigated may be prepacked in slatted containers and wood excelsior used if desired. Paper wrappings for individual fruits may not be used for mangoes and plums unless authorized in advance by the Plant Quarantine Division. Fruit to be fumigated may also be placed in open field boxes. When loaded in the fumigation chamber the boxes or containers shall be separated by at least one inch on all sides by wooden strips or other means.

(4) For mangoes the exposure period shall be 2 hours and the ethylene dibromide dosage per 1,000 cubic feet of chamber space shall be adjusted to the fruit load (which load shall not exceed 80 percent of the chamber volume) and the temperatures as follows:

Load in percent of chamber volume	Dosage in ounces per 1,000 cu. ft.[1]	
	50°–70° F.	Above 70° F.
Below 25	10	8
25 to 49	12	10
50 to 80	14	12

(5) For plums the exposure period shall be 2 hours and dosage applied at the rate of 1 pound of ethylene dibromide per 1,000 cubic feet of space at a minimum of 60° F., the chamber load not to exceed 50 percent of the volume.[1]

(b) *Supervision of fumigation.* (1) Inspectors of the Plant Quarantine Division will supervise the fumigation of mangoes and plums and will prescribe such safeguards as may be necessary for the handling, packing, and transportation of the fruit from the time it leaves the treating plant until it reaches the United States port of entry. The final release of the fruit for entry into the United States will be conditioned upon compliance with the prescribed safeguards.

(2) Supervision of fumigation at places in Mexico contiguous to ports of

[1] Chamber volume includes that space occupied by the load.

(Continued on p. 897)

CONTENTS

FEDERAL REGISTER

REpublic 7-7500 Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

entry where inspectors are regularly stationed will, if practicable, be carried out as a part of normal inspection activities and when so available will be furnished without cost to the owner of the fruit or his representative.

(c) *Costs.* All costs of constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out precautions prescribed for posttreatmen safeguards shall be borne by the owner of the fruit or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the fruit or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(d) *Approval of fumigation plants.* Approval of fumigation plants in the interior of Mexico or at places removed from ports of entry where inspectors are regularly stationed will be contingent upon compliance with the provisions of paragraph (a) (1) of this section and upon the availability of qualified personnel for assignment to supervise the treatment and posttreatment handling of mangoes and plums. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other administrative and incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(e) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with mangoes and plums, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of posttreatment safeguards.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159; 19 F.R. 74, as amended; 7 CFR 319.56–2, as amended)

These administrative instructions shall become effective February 3, 1960, when they shall supersede P.Q. 609, effective April 20, 1957 (7 CFR 319.56–2j).

This amendment relieves restrictions in that it reduces the dosage of ethylene dibromide required in the fumigation of mangoes and lessens several incidental requirements for fumigating plums. Heretofore the administrative instructions have required a dosage of 16 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at a minimum temperature of 77° F. for both mangoes and plums. The instructions also required that when loaded in the fumigation chamber the boxes or containers should be separated by at least 2 inches on all sides by wooden strips or other means; further, that the chamber should not be loaded to more than one-third capacity. By adjusting the dosage to the temperature and to the chamber load (which may now occupy 80 percent of the capacity), the dosage for mangoes has been reduced to a range of 8 to 14 ounces. There has been no reduction in the dosage prescribed for the fumigation of plums, but the permissible chamber load has been increased from one-third to one-half and the allowable minimum temperature reduced to 60° F. The separation of the containers in the chamber has been reduced from 2 inches to 1 inch in each case. This relieving of restrictions will not present any hazard of plant pest dissemination.

In order to be of maximum benefit to mango and plum importers, the newly authorized procedure should be made available as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on this amendment are impracticable and unnecessary. Since the amendment relieves restrictions, it is within the exception in section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)) and may properly be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of January 1960.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 60–1089; Filed, Feb. 2, 1960; 8:49 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 13]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 60–858, appearing at page 716 of the issue for Thursday, January 28, 1960, the word "exception" in § 728.891(b) should read "exemption".

[Amdt. 4]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for 1959 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R.

2677, 6803, 9611) to amend, (1) § 729.1012 which governs the extent of calculations to provide for rounding except in the computation of final acreages, (2) § 729.1049 to add a paragraph (c) to provide that after receipt of the list, prepared in accordance with § 729.1058, of persons who share in peanuts produced on farms on which the final acreage exceeds the effective farm allotment, a buyer may purchase small quantities of peanuts from persons whose names do not appear on the list without requiring identification by a marketing card, and (3) § 729.1058 to provide that a copy of the list of persons who share in peanuts produced on farms on which the final acreage exceeds the effective farm allotment shall be mailed to each known peanut buyer as well as each known seed sheller.

(b) It is essential that the changes made by this amendment become effective as soon as possible to permit a more efficient and effective application of the regulations as they relate to the shelling of peanuts for seed to plant the 1960 crop which shelling has already been initiated. It is therefore hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), are impracticable and contrary to the public interest and this amendment shall be effective upon the filing of this document with the Director, Division of the Federal Register.

II. The Allotment and Marketing Quota Regulations (23 F.R. 8515, 24 F.R. 2677, 6803, 9611), as amended, are hereby amended as follows:

A. Section 729.1012 is amended to read:

§ 729.1012 Extent of calculations and rule of fractions.

If rounding is prescribed, computations shall be carried to two decimal places beyond the number of decimal places required, and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1. For example, a computed farm peanut allotment of 1.051 acres would be rounded to 1.1 acres and 1.050 acres would be rounded to 1.0 acre.

(a) The farm peanut allotment shall be expressed in acres and tenths and shall be rounded.

(b) The final acreage shall be expressed in acres and tenths and fractions of less than one-tenth of an acre shall be dropped.

(c) The percentage of excess peanuts for a farm (see § 729.1050(b)) shall be expressed in percent and tenths of a percent and shall be rounded, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(d) The converted penalty rate (see § 729.1050(b)) shall be expressed in cents and tenths of a cent per pound and shall be rounded, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(e) The amount of penalty with respect to any lot of peanuts, and the amount of damages due the Commodity Credit Corporation shall be expressed in dollars and cents and shall be rounded.

(f) The quantity of peanuts marketed, the farm marketing quota and the normal and the actual yield per acre, shall be expressed in whole pounds and shall be rounded.

B. Section 729.1049 is amended to add the following paragraph (c):

§ 729.1049 Identification of marketings.

* * * * *

(c) After receipt of a copy of the list prescribed by § 729.1058(d) and prior to the end of the marketing year (July 31), a peanut buyer or seed sheller may purchase from any producer whose name does not appear on the list prepared for the State in which such producer's farm is located, not more than 500 pounds of the peanuts (farmers stock basis) produced by him the previous calendar year without requiring identification and without collecting a marketing penalty, provided the buyer obtains from the producer a signed statement certifying the peanuts were produced by him the previous calendar year on a farm on which the final acreage did not exceed the effective farm allotment, the location of such farm, and that the quantity of peanuts being marketed by him without identification does not exceed 500 pounds for the marketing year. When the quantity of peanuts exceeds a total of more than 500 pounds or when the producer's name appears on the list of persons who share in peanuts produced on farms on which the final acreage exceeds the effective farm allotment, the buyer shall require identification by a marketing card or a Form MQ–93—Peanuts or shall collect and remit penalty at the basic rate prescribed in § 729.1050. The purchase of any peanuts under the provisions of this paragraph without identification need not be reported by the buyer to either the ASC State or the ASC county office but the buyer shall retain the producers' statements required by this paragraph and maintain a record of such purchases in accordance with § 729.1057, except that marketing card data shall not be required.

C. Section 729.1058 is amended to read:

§ 729.1058 Record and report of and penalty on peanuts shelled for producers.

(a) *Record of shelling.* Any person who shells peanuts for a producer shall maintain records of the shelling of each lot of peanuts showing the following:

(1) The date the peanuts were shelled;

(2) The name and address of the producer for whom the peanuts were shelled;

(3) The name of the State and county wherein is located the farm on which the peanuts were produced;

(4) The quantity of peanuts, farmers stock basis, shelled for the producer; and,

(5) If any quantity of shelled peanuts is retained by the sheller, the quantity of shelled peanuts retained and the quantity returned to the producer. The records maintained by the sheller with respect to such peanuts shall be available for examination in accordance with § 729.1061.

(b) *Report of peanuts shelled for producers who share in peanuts produced on farms on which the final acreage exceeds the effective farm allotment.* Each person whose name appears on the list prepared in accordance with paragraph (d) of this section who desires to have peanuts shelled without identification by a marketing card will be issued a Form MQ–93—Peanuts partially executed by the county office manager to show the name and address of the producer to whom issued, the serial number of the marketing card issued for the farm, the farm serial number, the name of the State and county wherein is located the farm on which the peanuts were produced, the converted penalty rate, and the quantity of peanuts which is reasonable for seed purposes on the producer's farm. The marketing quota penalty shall not be applicable to the shriveled, damaged, split, or broken kernels which result from shelling not more than the quantity of peanuts shown on such Form MQ–93—Peanuts. If peanuts are shelled for persons whose names appear on the list, prepared in accordance with paragraph (d) of this section, the sheller shall report the transaction and collect penalties as follows:

(1) *Form MQ–93—Peanuts.* If the producer presents a Form MQ–93—Peanuts partially executed by the county office manager as prescribed in this paragraph, the seed sheller shall execute the form by entering in the spaces provided his name and address, the date of shelling, the type of peanuts shelled, the pounds of farmers stock peanuts shelled, the pounds of shelled peanuts returned to the producer, the pounds of shelled peanuts retained by the seed sheller and the farmers stock equivalent of the pounds of shelled peanuts retained by the seed sheller. If the quantity of peanuts shelled for the producer exceeds the quantity determined by the county office manager as reasonable for seed purposes on the farm and the seed sheller retains the shriveled, damaged, split and broken peanut kernels which result from shelling the producer's peanuts, he shall enter the following additional information on the form: the estimated quantity of kernels that were produced from shelling the pounds of peanuts in excess of the seed requirement for the farm and retained by the sheller, the farmers stock equivalent of such amount, determined by multiplying the pounds of shelled peanuts retained by 1.5, and the amount of penalty to be remitted by the seed sheller determined by multiplying the converted penalty rate for the farm by such farmers stock equivalent.

(2) *Excess penalty card.* If the producer presents an excess penalty marketing card the seed sheller shall report the transaction on a Form MQ–93—Peanuts. He shall enter on Form MQ–93—Peanuts the same information as he is required to enter in subparagraph (1) of this paragraph and in addition he shall enter the name and address of the pro-

ducer, the marketing card serial number, the farm serial number, the name of the State and county wherein is located the farm on which the peanuts were produced, the converted penalty rate, and the amount of penalty. To determine the pounds of peanuts purchased the seed sheller shall multiply the pounds of shelled peanuts retained by 1.5. The amount of penalty to be remitted by the seed sheller is the result obtained by multiplying the pounds purchased by the converted penalty rate shown on the marketing card.

(3) *No identification.* If the producer does not identify his peanuts with a Form MQ–93—Peanuts partially executed by the county office manager in accordance with this paragraph or an excess penalty marketing card the seed sheller shall record the transaction on a Form MQ–93—Peanuts by entering the same information on the form as he is required to enter in subparagraph (1) of this paragraph and in addition he shall enter the name and address of the producer, the name of the State and county wherein is located the farm on which the peanuts were produced, the basic penalty rate, and the amount of penalty to be remitted. The amount of penalty to be remitted by the seed sheller is the result obtained by multiplying the farmers stock equivalent (see subparagraph (1) of this paragraph) of the quantity of peanuts retained by the sheller by the basic penalty rate.

(4) *Reports.* For peanuts shelled in accordance with subparagraphs (1), (2) and (3) of this paragraph the seed sheller shall report each such transaction by sending to the State office for the State in which his place of business is located a copy of each Form MQ–93—Peanuts along with any remittances for penalty. The report shall be made within two weeks after the shelling of peanuts is generally complete in the area, except that the report shall be made periodically throughout the shelling season if this becomes necessary for timely remittance of any penalties. Penalties shall be remitted to the State office within two weeks following the end of the week in which such penalties become due. Penalties become due when the peanuts are marketed.

(c) *Report of peanuts shelled for persons who do not share in peanuts produced on farms on which the final acreage exceeds the effective farm allotment.* After receipt of a copy of the list prescribed by paragraph (d) of this section, a seed sheller is not required to make a report to either the ASC State office or the Inspection Service of the shelling of peanuts for any person whose name does not appear on such list. Also, it is not required that the seed sheller report the purchase of the shriveled, damaged, split or broken kernels which result from shelling such peanuts.

(d) *Preparation of list of persons who share in peanuts produced on farms on which the final acreage exceeds the effective farm allotment.* Each marketing year the county committee shall prepare and transmit to the ASC State office a list showing the name and address of each producer in the county who shares in peanuts produced on a farm in the county on which the final acreage exceeds the effective farm allotment. From the county lists the State administrative officer shall prepare a consolidated State list and copies of such list, issued not more than 60 days or less than 30 days prior to the beginning of the normal planting season in the area as determined under § 729.1023, signed by the State administrative officer shall be available to all peanut buyers and to all persons who shell farmers stock peanuts for producers and, in addition, the State administrative officer shall mail a copy of such list to each known peanut buyer and each known seed sheller. Until a copy of this list is received or obtained a seed sheller shall report the shelling of any peanuts for producers as required by paragraph (b) of this section for excess peanuts and a peanut buyer shall not make purchases of peanuts under the provisions of § 729.1049(c).

(Secs. 359, 375, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1359, 1375)

Done at Washington, D.C., this 28th day of January 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–1091; Filed, Feb. 2, 1960; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 181, Amdt. 1]

PART 914 — NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 914.481 (Navel Orange Regulation 181, 25 F.R. 579) are hereby amended to read as follows:

(i) District 1: 750,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 29, 1960.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–1065; Filed, Feb. 2, 1960; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Navy

Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraph (1) of § 6.106(e) are amended as set out below:

§ 6.106 Department of the Navy.

* * * * *

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, California; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Maryland; and U.S. Naval Weapons Laboratory, Dahlgren, Virginia.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed ten positions at the U.S. Naval Research Laboratory, six positions at the U.S. Navy Electronics Laboratory, ten positions at the U.S. Naval Ordnance Laboratory and ten positions at the U.S. Naval Weapons Laboratory at any one time. Employment under this provision will not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–1088; Filed, Feb. 2, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Barley Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 3027, 4017, 5236, 7237 and 8665 and containing the specific requirements for the 1959-Crop Barley Price Support Program are hereby amended as follows:

Section 421.4087(b) is amended by increasing the following basic county support rates:

CALIFORNIA

County	Rate per bushel From	To
Butte	$0.87	$0.88
Lassen	.74	.78
Modoc	.77	.81
Plumas	.76	.78

OREGON

Gilliam	$0.88	$0.89
Grant	.87	.88
Lake	.77	.81
Morrow	.87	.89
Wheeler	.87	.88

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 28th day of January 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-1090; Filed, Feb. 2, 1960; 8:49 a.m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM

Reimbursement

The designated section of the regulations for the Special Milk Program for Children is hereby amended as follows:

Paragraph (b) of § 502.208 *Reimbursement* as amended November 11, 1959, is hereby further amended to change the date March 1, 1960, wherever it appears, to April 1, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

JANUARY 29, 1960.

[F.R. Doc. 60-1149; Filed, Feb. 2, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-294]

PART 263—PARTICIPATION OF AIR CARRIER ASSOCIATIONS IN BOARD PROCEEDINGS

Approval of Articles

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1960.

When the Board adopted Part 263 of the Economic Regulations it invited comments thereon by interested persons for the purpose of evaluating the regulation in light thereof, 24 F.R. 4882. A number of comments were received and due consideration has been given by the Board to all revelant matter presented. For the reasons hereafter stated the Board will make a clarifying amendment to Part 263.

Certain comments raised general objection to Part 263 on the ground that the regulation is unnecessary and undesirable as a matter of policy, particularly with respect to rule making proceedings. Upon consideration of all arguments, the Board reaffirms the statement of the basis, purpose and policy set forth in the preamble to Part 263 as originally promulgated. In light of past experience, Part 263 is necessary to prevent presentation of association positions which may not coincide with those of carrier members. Members who are not in agreement with such position are often reluctant to contradict it after the association has publicly taken such position. Such situations do not lend themselves to treatment on a case-to-case basis. Attempts by associations to bring about unified positions of their members appear prima facie to be contrary to antitrust principles when the objective is a matter within the ambit of the antitrust laws. The Board never intended to afford air carrier associations blanket immunity from the antitrust laws in respect to such activities by Board approval of associations' articles of association or other organic documents.

On the other hand, the Board does not believe that by restricting the participation of air carrier associations in Part 263 it shuts itself off from valuable information which it would otherwise obtain. Factual information gathered from the members of the associations will be available provided the association has complied with Part 263. Moreover, the carriers themselves are free to submit all relevant information directly to the Board.

It is argued that air carrier associations have the statutory and constitutional rights of "persons" to participate in Board proceedings and that such rights are infringed by the instant regulation. This argument overlooks several factors. For one thing, insofar as the property rights of an association as such are affected by a Board proceeding, the regulation opens the door for its participation, paragraphs (1) of §§ 263.2 and 263.3. All other interests of associations are, of course, derived from the members and are in fact nothing more than the preference of the air carriers for availing themselves of a cooperative working arrangement in the form of an association to get done what otherwise they would and, of course, could do themselves. Thus these "interests" of associations are not even comparable with the business interest of agents to represent principals. The Board is not bound to permit associations to practice before it.

Furthermore, section 412 of the Act (Federal Aviation Act of 1958) makes it the Board's duty to disapprove all cooperative working arrangements of air carriers to the extent that it finds them adverse to the public interest. Since associations, unlike natural persons, have only such capacity and powers as flow from the articles of association lawfully agreed upon by the members, the capacity of associations created by multilateral agreement of air carriers is limited to matters approved by the Board. Disapproval by the Board of an agreement giving an association general capacity to participate in Board proceedings like a natural person thus does not deny the association a right which it naturally has but prevents such a right from ever coming into existence. Certainly the law need not bestow on associations of business enterprises[1] an unlimited standing to sue or participate in administrative proceedings.

The related argument that air carriers have a statutory or constitutional right to be represented before the Board by air carrier associations is equally fallacious. No statutory right of air carriers to be represented before the Board by persons other than "counsel" (section 6(a) of the Administrative Procedure Act) has been cited to the Board or is known to the Board. Section 6(a) expressly subjects representation "by other qualified representative" to agency permission. The Congress also restricted the power of air carriers licensed under its authority to enter into cooperative working agreements, including agreements creating air carrier associations. Situations where citizens unite in associations for mutual protection or expression of political or social ideas obviously are not comparable to the relationship between a licensed industry and the government agency entrusted with the regulation and promotion of such industry pursuant to a well-defined Congressional policy. Outside of that relationship Part 263 does not limit the activities of air carrier associations.

Objection to Part 263 was further made on the ground that it is discriminatory as between air carrier associations and other trade associations. However, the differentiation between air carrier associations and other trade associations which results from Part 263 is unavoidable and not detrimental to the air car-

[1] The air carrier associations to which Part 263 applies are in fact associations of business corporations.

riers. The argument that the differentiation is discriminatory misses the point that the regulation implements the responsibility of the Board to regulate air carriers and promote air transportation. It is this responsibility which requires that the Board obtain the unfettered views of all interested air carriers on any issue. The Board has no such responsibilities vis-a-vis other carriers or other industries. Section 412 of the Act does not empower the Board to pass on the validity in the public interest of cooperative working arrangements to which air carriers are not parties. Of course, participation by all trade associations in Board proceedings remains subject to the requirements of §§ 302.4 and 302.14 or 302.15 (of Board's Procedural Regulations) as the case may be.

Part 263 is also being attacked as going beyond the authority of section 412 of the Act since that section does not authorize the Board to require associations to impose limitations on themselves in their articles of association. However, the assertion that Part 263 requires air carrier associations to impose restrictions upon themselves addresses itself to an issue of semantics or at best of legal drafting. The real point obviously is that the Board will not approve articles of air carrier associations which purport to empower the association to participate in Board proceedings to any extent beyond that outlined in Part 263. This does not force the air carriers to enter into any agreement but on the contrary limits the terms of agreements into which they may enter with Board approval as provided in section 412, cf. Air Cargo, Inc., Agreement, Petitions, 9 C.A.B. 468, 471–2 (1948).

The Board recognizes that the wording of paragraph (3) of §§ 263.2 and 263.3 has given rise to misunderstandings. It was intended that the association should be authorized to represent before the Board any of its members who would wish it to do so, if such authorization was evidenced by a power of attorney signed by duly authorized officers of each of the members to be represented by the association in the respective Board proceeding. In such cases, of course, the association itself does not become a party to the proceeding and does not act or speak in its own name or on its own behalf but acts as the representative of the respective individual members, and in their name, just as an individual representative would. Only with respect to paragraph (1) of § 263.3 where the issues substantially affect the property or financial interests of the association as opposed to an interest derivative from its members will the association be permitted to participate in its own name.

In order to clarify these matters, the Board is adding a note to § 263.2(3).

Since this amendment to Part 263 is in the nature of a clarification, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 263 of its Economic Regulations (14 CFR Part 263), effective February 3, 1960 by adding a note to paragraph (3) of § 263.2 as follows:

NOTE: The requirement expressed in this paragraph and paragraph (3) of Section 263.3 shall be deemed fulfilled upon filing with the Board of powers of attorney signed by duly authorized officers of each carrier to be represented by the association in the particular Board proceeding. The air carriers so represented shall become the parties to the proceeding. The participation of the association is limited to acting as attorney-in-fact for such air carriers.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 102, 412, and 1001 of the Federal Aviation Act of 1958, 72 Stat. 740, 770, 788; and secs. 3(a) and 6(a) of the Administrative Procedure Act, 60 Stat. 238, 240; 49 U.S.C. 1302, 1382, 1481; 5 U.S.C. 1002, 1005)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 60–1086; Filed, Feb. 2, 1960; 8:49 a.m.]

[Reg. ER–295]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

Cargo Charter Trips and Other Special Services in Overseas and Foreign Air Transportation Over Routes of a Certificated Air Carrier

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1960.

Section 297.23(a) imposes limitations on the right of international air freight forwarders to charter aircraft between points on the routes of certificated air carriers. It provides, however, that these limitations shall not apply in the case of charters from direct air carriers which themselves are certificated to render unlimited scheduled air transportation between such points and could be authorized to serve such points on a non-stop basis. Under the language as written this exception from the limitations of § 297.23(a) clearly extends to on-route charter operations for freight forwarders of U.S. certificated air carriers but does not appear to extend to such operations of carriers holding foreign air carrier permits issued under section 402 of the Federal Aviation Act. The provision in its present form may thus give rise to an issue of its consistency with the provisions of bilateral agreements presently in effect between the United States and certain foreign countries. It is the intention of the Board to extend this exception equally to all on-route forwarder charter operations of direct air carriers authorized to render unlimited scheduled air transportation between named points.

Section 297.23(a) will therefore be amended by inserting the words "or foreign air carrier permit" following the word "certificate" in § 297.23(a)(1). Since this amendment does not impose any additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends the introductory paragraph of § 297.23(a) of its Economic Regulations, effective January 29, 1960, to read as follows:

(a) An international air freight forwarder shall not charter aircraft from a direct air carrier for cargo charter trips or special services in overseas or foreign air transportation between points or areas between which other direct air carriers are authorized to engage in unlimited scheduled air transportation through one or more certificates of public convenience and necessity naming such points or areas, (1) unless such direct air carrier has been issued a certificate or foreign air carrier permit authorizing unlimited scheduled air transportation between such named points or areas and could be authorized by the terms thereof to serve such points or areas on a nonstop basis, or (2) unless the provisions of either subdivision (i) or (ii) of this subparagraph are complied with:

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 102, 416, 72 Stat. 737, 740, 771; 49 U.S.C. 1301, 1302, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 60–1087; Filed, Feb. 2, 1960; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

[Reg. Docket No. 263]

PART 415—TESTIMONY BY EMPLOYEES, PRODUCTION OF RECORDS AND SERVICE OF PROCESS AND PLEADINGS IN LEGAL PROCEEDINGS

Revision of Part

This amendment enlarges the scope of Part 415 by adding a new § 415.3 which expressly designates the General Counsel of the Federal Aviation Agency as the agent of the Administrator for the purpose of accepting service of legal process instituting, and pleadings arising in, court litigation. However, the provisions of § 415.3 are permissive in nature and do not require that such service be made upon the General Counsel. Indeed, the sole purpose of this regulatory change is to advise parties to legal proceedings involving the Administrator that they may serve such documents upon the General Counsel who will thereafter treat such service as though it had been made on the Administrator.

Additionally, this amendment also changes the caption of the part and amends §§ 415.1 and 415.2 by eliminating inappropriate references to the Civil Aeronautics Administration.

Since this amendment is not a substantive rule but relates to Agency procedure, notice and public procedure hereon are unnecessary.

In consideration of the foregoing Part 415 (14 CFR Part 415) is hereby revised to read as follows:

Sec.
415.1 Testimony by employees.
415.2 Production of records.

Sec.
415.3 Designation of General Counsel to accept service on behalf of the Administrator.

AUTHORITY: §§ 415.1 to 415.3 issued under sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a).

§ 415.1 Testimony by employees.

Employees of the Federal Aviation Agency are prohibited from appearing as expert or opinion witnesses in legal proceedings between private litigants involving aeronautical matters. They are free to testify as to any matters of fact within their personal knowledge.

§ 415.2 Production of records.

Records of the Federal Aviation Agency, the release of which is prohibited by General Order 51 [1] (adopted by the Civil Aeronautics Administration and continued in effect by section 1501(a) of the Federal Aviation Act of 1958), are in the custody and control of employees for purposes relating to the performance of their official duties only. They have no control over them and no discretion with regard to permitting their use for any other purpose. Employees are prohibited from giving out any copies thereof and from producing them in court whether in answer to subpoena ordering that they be produced or otherwise.

§ 415.3 Designation of General Counsel to accept service on behalf of the Administrator.

The service of legal process or pleadings upon the Administrator of the Federal Aviation Agency in judicial and administrative proceedings, including proceedings before the Civil Aeronautics Board and Agency proceedings, may be had, at the option of the server, upon the General Counsel of the Agency with the same effect as if served upon the Administrator. The General Counsel will accept and acknowledge such service and take such further action thereon as is appropriate.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 28, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-1048; Filed, Feb. 2, 1960; 8:46 a.m.]

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 265; Amdt. 97]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Aircraft

Investigation of two failures of main landing gear uplock levers, which resulted in wheels up landings, has established that cracks are likely to occur in the levers if the uplock operating mechanism is overloaded due to incorrect rigging. Failure of the uplock lever with landing gears retracted will prevent extension of the landing gear. Since safety is affected by this type of failure, it is necessary to require repetitive inspection of the uplock lever and checking of the uplock mechanism rigging.

In the interests of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive.

VICKERS. Applies to all Viscount 745D and 810 aircraft.

Compliance required as indicated.

Failures of the main landing gear uplock lever, which prevent extension of the landing gear with the landing gear retracted, have resulted in wheels up landings. Investigation of these incidents disclosed that failures were caused by overloading of the uplock mechanism due to incorrect rigging. To preclude further failures of the uplock lever, the following must be accomplished.

(a) Within the next 50 flights [1] and every 50 flights thereafter, conduct visual "in situ" inspection of all unmodified main landing gear uplock levers for cracks and loose or failed rivets in accordance with ACTION paragraph 1, PTL 213, issue 3 (for 745D) or action paragraph 1, PTL 79, issue 2 (for 810). Levers with cracks or loose rivets must be replaced or repaired in accordance with the manufacturer's instructions.

(b) Within next 500 flights determine that adjustment of the uplock mechanism is such that compression spring does not bottom at any time during operating cycle, in accordance with numbered paragraph 5, TNS 223, issue 2 (for 745D), or numbered paragraph 5, TNS 82, issue 2 (for 810).

(c) Remove and inspect uplock levers for cracks, loose rivets, distortion or misalinement in accordance with ACTION paragraphs 2 through 5 of PTL 213, issue 3. Any lever with loose or failed rivets, cracks, or misalinement in excess of 0.03 inch must be replaced or repaired in accordance with manufacturer's instructions. This inspection shall be accomplished when the levers have reached the following lives and every 500 flights thereafter.

(1) New levers, unreinforced (P/N's 74450 sheet 15, 70150 sheet 53 or 59, and 70152-1491): 2,500 flights.

(2) Levers which were free of cracks and reinforced, after a period in service, in accordance with either Fig. 1 or 2, PTL 213, issue 3 (for 745D); or Fig. 1 or 2, PTL 79, issue 2 (for 810); or Capital Airline drawing V.20132, revisions B or C, or scheme contained in Vickers cable S.S. 4939 dated April 10, 1959: 2,000 flights after reinforcement.

(3) New levers reinforced before initial installation in accordance with any plan in preceding paragraph: 4,500 flights.

(Vickers-Armstrongs Co. PTL 213 issue 3 (for 745D, PTL 79 issue 2 (for 810), TNS 223 issue 2 (for 745D) and TNS 82 issue 2 (for 810) cover the same subject.)

(Sec. 313(a) 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall be effective immediately.

Issued in Washington, D.C., on January 28, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-1045; Filed, Feb. 2, 1960; 8:45 a.m.]

[1] This will require operators to maintain a record of flights to ascertain compliance with this AD. If past records are unavailable, the number of flights prior to this AD may be estimated.

[1] Not filed for publication in the FEDERAL REGISTER.

[Reg. Docket No. 266; Amdt. 98]

PART 507—AIRWORTHINESS DIRECTIVES

Navy N3N-3 Aircraft

A recent fatal accident was caused by separation of the control stick from its attachment fitting in a Navy N3N-3 aircraft. Examination of another airplane of the same model revealed that the rivet atachment of the control stick had failed and the stick was nearly completely separated from the fitting. A failure of this type will result in loss of control of the aircraft. In order to prevent failure, the rivets must be replaced with bolts.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

NAVY. Applies to all N3N-3 aircraft including those certificated in the restricted category.

Compliance required within the next 10 hours time in service.

A fatal accident resulted when a control stick separated from the lower fitting. To preclude recurrence of this condition, the following shall be accomplished:

(a) Replace the two rivets which attach the control stick to the bottom fitting with AN steel bolts, undrilled type, of the equivalent diameter of the rivets, AN 960 washers and AN 364 or AN 365 nuts. The bolt grip shall equal the diameter of the control stick plus the washer thickness. The bolt installation shall not interfere with the full range of control stick movement.

This applies to the control sticks in both cockpits.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 28, 1960.

JAMES T. PYLE,
Acting Adminnistrator.

[F.R. Doc. 60-1046; Filed, Feb. 2, 1960; 8:45 a.m.]

[Reg. Docket No. 199; Amdt. 99]

PART 507—AIRWORTHINESS DIRECTIVES

Curtiss-Wright C-46 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive correcting an unsafe condition in Curtiss-Wright C-46 Series aircraft, was published in 24 F.R. 10019.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CURTISS-WRIGHT. Applies to all C-46 Series aircraft including the C-46R and C-46/CW 20-T aircraft.

To eliminate the possibility of a fire in the cargo and baggage compartments being caused by unshielded sources of heat, compliance with CAR 4b.382(d)[1] must be accomplished by March 1, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 28, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc 60-1047; Filed, Feb. 2, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 9—COLOR CERTIFICATION

Order Acting Upon Objections to Final Order Delisting Certain D&C Coal-Tar Colors From the List Subject to Certification; Notice of Public Hearing

In the matter of deleting D&C Orange No. 5, D&C Orange No. 6, D&C Orange No. 7, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 11, D&C Red No. 12, D&C Red No. 13, D&C Red No. 19, D&C Red No. 20, D&C Red No. 33, D&C Red No. 37, D&C Yellow No. 7, D&C Yellow No. 8, and D&C Yellow No. 9 from the list of coal-tar colors subject to certification and adding to the list of colors certifiable for external use only all the colors named except D&C Orange No. 6, D&C Orange No. 7, D&C Red No. 20, and D&C Yellow No. 9:

Objections were filed to the final order in the above-identified matter published in the FEDERAL REGISTER of October 6, 1959 (24 F.R. 8065) by the Toilet Goods Association, Inc.; Revlon; Smith, Kline, and French Laboratories; The Pharmaceutical Manufacturers Association; Ansbacher-Siegle Corporation; Richard Hudnut; and the Certified Color Industry Committee.

The Commissioner of Food and Drugs has concluded that these objections state reasonable grounds for a hearing on two issues:

1. Whether the subacute toxicity studies conducted in the laboratories of the Food and Drug Administration, and reported to all interested persons in February 1959, were properly planned and executed to establish that the seven colors tested (D&C Orange No. 5, D&C Orange No. 17, D&C Red No. 9, D&C Red No. 10, D&C Red No. 19, D&C Red No. 33, and D&C Yellow No. 7) are not harmless colors.

2. Whether it is scientifically sound to delete the 10 colors not tested, because of their chemical relationship to the tested colors D&C Orange Nos. 6 and 7 (related to D&C Orange No. 5), D&C Red No. 8 (related to D&C Red No. 9), D&C Red Nos. 11, 12, and 13 (related to D&C Red No. 10), D&C Red Nos. 20 and 37 (related to D&C Red No. 19), and D&C Yellow Nos. 8 and 9 (related to D&C Yellow No. 7).

On the latter issue the Commissioner has concluded that the chemical relationship of D&C Red No. 11, D&C Red No. 12, and D&C Red No. 13 to D&C Red No. 10 is not adequate to warrant the application of the subacute toxicity study on D&C Red No. 10 to the other three colors. Therefore, the delisting of those colors is revoked, and they are restored to the D&C list pending further scientific studies of them. The final order of October 6, 1959 (24 F.R. 8065) is stayed as to all other colors, pending the outcome of the hearing.

Notice is hereby given, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 504, 604, 701, 52 Stat. 1052, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 354, 364, 371), vested in the Secretary of Health, Education, and Welfare, and delegated to the Commissioner of Food and Drugs (22 F.R. 1045, 23 F.R. 9500), that a public hearing will be held on the above issues.

The hearing will begin at 10:00 o'clock in the morning of February 17, 1960, in Room 5051, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., and will continue thereafter at such times and places as directed by the presiding officer. All persons interested are invited to attend the hearing and present evidence. The hearing will be conducted in accordance with the rules of practice provided therefor. A prehearing conference for the simplification of the issues, exchange of documentary evidence, the scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held in Room 5542, Health, Education, and Welfare Building, beginning at 10:00 in the morning of February 15, 1960. If necessary, the prehearing conference will be continued on the following day. All interested persons who will attend the hearing are urged to appear or to send a representative. Any interested person intending to introduce documentary evidence at the hearing is requested to bring five copies of such documentary evidence to the prehearing conference or to send five copies to the presiding officer in advance of the conference. Only those persons expecting to actively participate at the hearing should attend the prehearing conference. All persons expecting to attend the prehearing conference should notify the presiding officer in advance.

Evidence will be restricted to testimony and exhibits relevant to the issues hereinbefore listed. Mr. William J. Risteau, Room 5440, Health, Education, and Welfare Building, is hereby designated as presiding officer to conduct the hearing, with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceeding to the Commissioner of Food and Drugs for action on the proposal.

The revocation and staying order contained in the sixth literary paragraph of this document shall be effective February 1, 1960.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: January 29, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1131; Filed, Feb. 2, 1960; 8:51 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Farina; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of December 4, 1959 (24 F.R. 9729), and the amendments promulgated by that order will become effective on February 2, 1960.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: January 27, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1067; Filed, Feb. 2, 1960; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline Hydrochloride in Oil Oral Veterinary

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as

[1] Section 4b.382(d) of the Civil Air Regulations provides as follows:
"Sources of heat within the compartment shall be shielded and insulated to prevent igniting the cargo." In a note to that section it further provides that "Sources of heat likely to ignite cargo include light bulbs, combustion heaters, heater ducts, electrical appliances, etc."

amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended as follows:

1. Part 141c is amended by adding the following new section:

§ 141c.256 Chlortetracycline hydrochloride in oil oral veterinary.

(a) *Potency.* Proceed as directed in § 141c.202(a). The potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8(b) of this chapter.

2. Part 146c is amended by adding the following new section:

§ 146c.256 Chlortetracycline hydrochloride in oil oral veterinary.

(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride in oil oral veterinary is crystalline chlortetracycline hydrochloride in a suitable and harmless vegetable oil base. It contains not less than 50 milligrams of chlortetracycline hydrochloride per milliliter. Its moisture content is not more than 1.0 percent. The chlortetracycline hydrochloride used conforms to the requirements of § 146c.201(a), except § 146c.201(a) (2), (4), and (5). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate containers shall be well closed or tight containers as defined by the U.S.P. They shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good marketing, storage, and distribution practice shall be disregarded. Unless it is packaged for repacking, each such container shall be filled with a volume of chlortetracycline hydrochloride in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark.

(ii) The number of milligrams of chlortetracycline hydrochloride per milliliter.

(iii) The statement "Expiration date ----------," the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(iv) The statement "For oral use in suckling pigs only."

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline hydrochloride used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug was completed, and a statement that each component of the oil base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The chlortetracycline hydrochloride used in making the batch: Potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 package for each 5,000 packages in the batch, but in no case less than 5 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline used in making the batch: 10 packages, containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146c.201(b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each component of the oil base, each containing approximately 200 grams.

(4) No result referred to in subparagraph (2)(ii) of this paragraph, and no sample referred to in subparagraph (3)(ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of the drug under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the antibiotic drugs covered by this order.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 27, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1068; Filed, Feb. 2, 1960; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Sutton Reservoir Area, Elk River, West Virginia

The Secretary of the Army having determined that the use of Sutton Reservoir Area, Elk River, West Virginia, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266), adding Sutton Reservoir Area (West Virginia) to § 311.1, to read as follows:

§ 311.1 Areas covered.

* * * * *

West Virginia

Bluestone Reservoir Area, New River.
Sutton Reservoir Area, Elk River.

[Regs. Jan. 19, 1960, ENGWO] (Sec. 209, 68 Stat. 1266; 16 U.S.C. 460d)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-1041; Filed, Feb. 2, 1960; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 21—FIRST CLASS

PART 24—THIRD CLASS

PART 43—MAIL DEPOSIT AND COLLECTION

PART 46—RURAL SERVICE

PART 48—UNDELIVERABLE MAIL

PART 49—STAR ROUTE COLLECTION AND DELIVERY SERVICE

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

1. Section 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas,* as amended by FEDERAL REGISTER document 59–649, 24 F.R. 566, and by FEDERAL REGISTER document 59–5314, 24 F.R. 5302, is further amended as follows:

A. Delete the following APO numbers and their accompanying data: 95, 197, and 959.

B. Insert in proper order the following APO numbers with their accompanying data:

Military APO No.	Post offices Navy No.*	Cigarettes and other tobacco products prohibited	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 50 pounds	Customs declaration of Form 2966 or 2976–A required
90	------	------	------	[1] X	------	------
133 [5]	------	------	------	[1] X	------	[3] X
148	------	------	------	[1] X	------	------
190	------	X	------	[2] X	[5] X	[3 4] X
336	------	X	------	[1] X	------	------
368	------	X	------	[2] X	[5] X	[3 4] X
369	------	X	------	[1] X	------	------

C. Under the column headed "Customs declaration on form 2966 or 2976–A required" and opposite "APO numbers: 224, 254, 289, 294, 324, 329, 338, 380" insert "[3] X".

D. Footnote 1 is amended to read as follows:

[1] Parcels may not contain: *a.* Medicines and vaccines not conforming to French laws; *b.* nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents; *c.* currency, gold and silver bullion; *d.* securities.

E. Footnote 5 is amended to read as follows:

[5] Parcels, except those sent as registered mail, may not exceed the following dimensions:

Length	*Not over*
42 inches	72 inches length and girth combined.
Over 42 to 44 inches	24 inches girth.
Over 44 to 46 inches	20 inches girth.
Over 46 to 48 inches	16 inches girth.
Maximum length 48 inches.	

II. In § 21.2 *Classification* make the following changes in subparagraph (8) of paragraph (a) for the purpose of clarification:

A. Subdivision (iii) is amended to read as follows:

(iii) Manuscript or typewritten copy. See § 24.2(a)(1) of this chapter for manuscripts with proof sheets and § 25.2 (a)(5)(i)(*f*) of this chapter for certain other manuscripts.

B. Subdivision (viii) is amended to read as follows:

(viii) Bills or statements of account produced by any photographic or mechanical process, unless presented in a minimum quantity of 20 identical unsealed copies. See § 24.2(a)(1) of this chapter.

NOTE: The corresponding Postal Manual sections are 131.218c and 131.218h.

(R.S. 161, as amended, 396, as amended, sec. 7, 8, 24, 20 Stat. 358, as amended, 361, 46 Stat. 526; 5 U.S.C. 22, 369, 39 U.S.C. 221, 221a, 222, 250)

III. Part 24, Third Class, is amended for the purpose of clarification to read as follows:

Sec.
24.1 Rates.
24.2 Classification.
24.3 Weight and size limitations.
24.4 Preparation; payment of postage.
24.5 Nonprofit organizations.
24.6 Permissible additions.
24.7 Enclosures.
24.8 Sealing.

AUTHORITY: §§ 24.1 through 24.8 issued under R.S. 161, as amended, 396, as amended, sec. 13, 18 Stat. 237, secs. 7, 8, 18, 19, 20 Stat. 358, as amended, 360, sec. 1, 25 Stat. 1, as amended, 30 Stat. 984, sec. 6, 36 Stat. 1340, as amended, sec. 5, 41 Stat. 583, as amended, sec. 206(a), 43 Stat. 1067, as amended, secs. 2, 3, 65 Stat. 672, as amended, 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 221, 235, 236, 237, 238, 249, 289a, 290, 290a–1, 291a.

§ 24.1 Rates.

(a) *Single piece rate.* All matter not in the first or second class (see § 24.3(a) for weight limit) except mailings made under paragraphs (b), (c), (d), (e) of this section: 3 cents first 2 ounces or fraction of 2 ounces plus 1½ cents for each additional ounce or fraction of an ounce.

(b) *Bulk rates.* (See § 24.2(b)(2) and § 24.4(b).)

(1) Books and catalogs having 24 or more bound pages with at least 22 printed pages, seed, cuttings, bulbs, roots, scions, and plants (see § 24.3(a) for weight limit):

(i) Other than authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; 2 cents minimum charge per piece. (Effective July 1, 1960, the minimum charge per piece will be 2½ cents.)

(ii) Authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; minimum charge per piece 50 percent of the minimum charge in subdivision (i) of this subparagraph. See § 24.5.

(2) All matter, except the items in § 24.1(b)(1), not included in the first or second class (see § 24.3(a) for weight limit):

(i) Other than authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; 2 cents minimum charge per piece. (Effective July 1, 1960, the minimum charge per piece will be 2½ cents.)

(ii) Authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; minimum charge per piece 50 percent of the minimum charge in subdivision (i) of this subparagraph. See § 24.5.

(c) *Articles of odd size or form.* See § 24.2(b)(3). 3½ cents per piece, whether mailed singly or at bulk rates. (Applicable only when the regular charge does not exceed 3½ cents.)

(d) *Keys, identification cards, identification tags, or similar identification devices.* Keys, identification cards, identification tags, or similar identification devices that are without cover and that bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery: 5 cents each 2 ounces or fraction of 2 ounces.

(e) *Congressional Record mailed at Washington, D.C.* 1 cent per copy.

§ 24.2 Classification.

(a) *Description.* (1) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proofsheets, corrected proofsheets, and manuscript copy accompanying same, merchandise (including farm and factory products) and all other mailable matter not included in the first or second class, or in the fourth class, * * * but bills or statements of account produced by any photographic or mechanical process shall not be accepted as mail matter of the third class unless presented in quantities of 20 or more identical copies. When such bills or statements are not identical or are presented in quantities of less than 20 identical copies, they shall be subject to postage at the first-class rate. (Sec. 206(a), 43 Stat. 1067, as amended; 39 U.S.C. 235.)

(2) The term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such, when the date and the name of the addressed and of the sender shall be written therein, nor by the correction of mere typographical errors in writing. (Sec. 18, 20 Stat. 360; 39 U.S.C. 236.)

(3) "Printed matter" is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence. (Sec. 19, 20 Stat. 360; 39 U.S.C. 237.)

(4) Typewriting shall continue to be classed as handwriting as provided by postal laws and regulations. (46 Stat. 526; 39 U.S.C. 221a.)

(5) All letters written in point print or raised characters used by the blind

when unsealed shall be transmitted through the mail as third-class matter. (30 Stat. 984; 39 U.S.C. 238.)

(b) *Application of rates.* The rates in § 24.1 are applied as follows:

(1) The single rate is applied to each piece according to its weight.

(2) The bulk rate is applied to mailings of seperately addressed identical pieces in quantities of not less than 20 pounds, or of not less than 200 pieces. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each calendar year. (See § 24.4 for other conditions governing acceptance of bulk mailings.)

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side is less than 3¾ inches in width or 4 inches in length.

(iii) They are not rectangular.

(iv) Their contents cause a hump or other uneven surface which prevents stacking or tying in packages.

(v) They are enclosed in bags.

(vi) They are addressed by means of tags.

(4) The rate for keys and identification items placed loose in the mails under the conditions in § 24.1(d) is applied to each item according to its weight. When there are several items for the same addressee, the office of mailing will place them in an envelope or wrapper addressed to the intended recipient and marked to show the amount of postage due. The amount of postage will be computed on each item and not on the bulk weight of the mailing piece.

§ 24.3 Weight and size limitations.

(a) *Weight.* Each piece may weigh up to but not including 16 ounces, except the Congressional Record mailed under § 24.1(e) and letters for the blind. (See Part 28 of this chapter.)

(b) *Size.* No limit.

§ 24.4 Preparation; payment of postage.

(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may use any method of paying postage, and may mail any number of pieces at one time, except when permit imprints are used. See § 34.5 of this chapter.

(b) *Bulk mailings*—(1) *Annual fee.* A fee of $20 must be paid each calendar year. Lettershops and other concerns must pay the $20 fee for each customer for whom mailings are made, unless each customer pays it. This fee is separate from the $10 fee that must be paid for a permit to mail under the permit imprint system. See § 34.1(a) of this chapter.

(2) *Postage permits required.* Postage must be prepaid by (see Part 37 of this chapter):

(i) *Meter stamps.* See Part 33 of this chapter.

(ii) *Precanceled stamps or precanceled stamped envelopes.* See Part 32 of this chapter.

(iii) *Permit imprints (cash).* See Part 34 of this chapter.

(3) *Markings required.* Identifying words as follows must be printed or rubber stamped by the mailer either in or immediately adjacent to permit imprints, meter stamps, or precanceled stamps:

(i) "Bulk rate" or the abbreviation "Blk. Rt." by mailers other than nonprofit organizations.

(ii) "Nonprofit organization" or the abbreviation "Nonprofit Org." by authorized nonprofit organizations which mail at the 50 percent reduction in the minimum per piece charge.

(4) *Mailing statement and verification.* A designated employee in the weighing section or other place in the post office where bulk mailings are accepted shall verify the mailer's statement which must be completed and submitted by the mailer with each mailing as follows:

(i) Mailing statement, Form 3602, for mail with permit imprints (see § 34.5(e) of this chapter); or

(ii) Mailing statement, Form 3602–PC, for mail bearing precanceled stamps or meter stamps.

(5) *Preparation of mailing.* Mailers must sort, face, and tie bulk mail into packages both lengthwise and crosswise with twine strong enough to withstand handling in the mail (a breakingpoint of 10 pounds or more will qualify). Labels should be large enough to cover the address on the exposed piece of mail and keep the label from sliding out from under the twine. Packages shall be prepared by the mailer as follows:

(i) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), all addresses must be faced one way except the last which must be reversed to expose its address on the outside of the package. Direct packages should not be labeled except when separations of 10 or more pieces are made to delivery zones within a city. Each zone package should be labeled to show the name of the post office and should be marked "All for Zone No. ------." The name of the post office may be omitted from the label of zone packages when the mailer includes all such packages in direct sacks. See subparagraph (6) of this paragraph.

(ii) *State package.* After direct-package pieces are removed, if there are 10 or more pieces remaining for any one State, all addresses shall be faced one way and the pieces shall be tied into a package. The top address must be covered with a label bearing the name of the State.

(iii) *Mixed packages.* If there are less than 10 pieces per State (for instance, 6 for Delaware, 8 for Maryland, 5 for Virginia), all addresses shall be faced one way and the pieces tied into a package. The top address shall be covered with a label bearing the words "Mixed States".

(iv) *Simplified address mail.* See § 13.4(c) of this chapter.

(6) *Preparation for dispatch*—(i) *Direct sacks.* When there are sufficient direct packages for the same post office to fill a sack at least one-third full the mailer must place them in a sack or sacks which should be labeled in the following manner:

PHILADELPHIA, PA.
CIRCS.
From Jay Mailing Co., Cincinnati, Ohio

(ii) *State sacks*—(a) *Direct packages.* After all possible city direct sacks have been made, if there are enough direct packages remaining for post offices within the same State to fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. (See subparagraph 7 of this paragraph.) State sacks shall be labeled in the following manner:

OGDEN, UTAH TERMINAL
Calif. Direct CIRCS.
From D.C. Mailers, Washington, D.C.

(b) *State packages.* When State packages of circulars for one State will fill approximately one-third of a sack, they shall be placed in a State sack and labeled to the proper distribution point. (See subparagraph (7) of this paragraph.) The sack shall be labeled in the following form:

OGDEN, UTAH TERMINAL
CALIF. CIRCS.
From D.C. Mailers, Washington, D.C.

(iii) *Mixed sacks.* (a) Mixed State packages of circulars may be included in sacks labeled "Mixed States—Circulars".

(b) Any direct package for which there is insufficient quantity to make city or State direct sacks should be included in sacks labeled "Mixed Directs—Circulars".

(iv) *Labels furnished by postmaster.* Where standard post office sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(v) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

(7) *Distribution points.* A list of the proper distribution points for papers, mixed circulars, and direct circulars from each postal region is prepared by the distribution and traffic manager of the region. Mailers may obtain copies of this list and any special instructions relating to specific locations from their local postmaster.

(8) *Special services.* The registry, insurance, certified, and COD services may not be used for third-class matter mailed at bulk rates.

§ 24.5 Nonprofit organizations.

(a) *Types*—(1) *What may qualify.* Only the following types of organizations or associations not organized for profit and none of the net income of which benefits any private stockholder or individual may mail pieces subject to the minimum bulk third-class per piece charge at a reduction of 50 percent. (See § 24.1(b) (1)(ii) and (2)(ii).)

(i) Religious.
(ii) Educational.
(iii) Scientific.
(iv) Philanthropic.
(v) Agricultural.
(vi) Labor.
(vii) Veterans'.
(viii) Fraternal.

(2) *What may not qualify.* The following and similar organizations do not

come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic improvement associations; individuals; municipal, county, or State governmental bodies; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; and trade associations.

(b) *Applications.* Application on Form 3624, "Application to Mail Third-Class Matter at Special Postage Rates" must be filed by the organization or association at the post office where mailings will be deposited. The application will be approved or denied by the postmaster.

(c) *Appeal.* The postmaster's action may be appealed by the applicant in writing through the postmaster to the Bureau of Operations, Postal Services Division. The appeal must be accompanied by the original application and all supporting papers.

(d) *Temporary mailings.* Until final action is taken on the application, postage paid on the mailings may be at the discount rate, provided the mailer deposits with the postmaster an amount sufficient to cover the additional postage at the higher rates. See § 24.1(b) (1) (i) and (2) (i). This deposit will be returned to the mailer if the application is approved. If the application is denied, the deposit will not be returned. The deposit will be converted into postage-due stamps, and the stamps canceled and given to the mailer if no appeal is made. If appeal is made, action concerning the deposit will be deferred.

(e) *Revocation.* The approval may be revoked if the authorization was given to an organization or association which was not qualified or which becomes unqualified. The postmaster who approved the application will notify the organization of the pending cancellation of the authorization and of the reasons for the cancellation. The organization will be allowed 10 days within which to file a written statement why the authorization should not be canceled. When no answer is filed, the postmaster will cancel the authorization. If an answer is filed, decision will be made by the Bureau of Operations, Postal Services Division, whether the authorization shall be continued in effect. Notice of the decision will be given the organization through the postmaster.

§ 24.6 Permissible additions.

The following are permissible additions on third-class matter and its covers or labels:

(a) Manuscript dedication or inscription not in the nature of personal correspondence.

(b) Marks to call attention to any word or passage in text.

(c) Corrections of typographical errors in:

(1) *Circulars or printed matter.* Handwritten or typewritten changes or additions in the body of a circular are limited to corrections of actual typographical errors.

(2) *Proof sheets.* Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of part if necessary for correction. Corrections should be on margins or attached to the manuscript. Do not enclose manuscript of another article.

(d) Any printed matter mailable as third class.

(e) Hand-stamped imprints, except when the added matter is in itself personal or converts the original matter to a personal communication. In the latter case, however, the mailing at one time at the post office window or other depository designated by the postmaster of not less than 20 identical, unsealed copies will be sufficient evidence of impersonal character to entitle such matter to the third-class rate.

(f) All additions permitted for fourth-class mail. (See § 25.5 of this chapter.)

§ 24.7 Enclosures.

(a) *Books and catalogs*—(1) *Permissible.* Loose enclosures relating exclusively to the book or catalog they accompany may be enclosed and mailed at the book and catalog rate. Loose enclosures are restricted to:

(i) Single reply envelope or reply post card, or both.

(ii) Single order form.

(iii) Printed circular.

(iv) If no circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog.

(v) An invoice. (See § 25.5(b) (3) of this chapter.)

(2) *Prohibited.* Samples of cloth or other merchandise cannot be enclosed, either loose or attached. If circular and other printed matter is attached to a book or catalog, it does not have to conform to the conditions for loose enclosures. "Attached" means pasted along the entire bound edge of, or fastened with at least two stitches or staples securely enough to form an integral part of the book or catalog.

(b) *All other third-class matter*—(1) *Permissible.* An invoice. (See § 25.5 (b) (3).)

(2) *Prohibited.* Circulars and advertisements of other persons or firms that are printed or manufactured elsewhere and turned over to a mailer may not be inserted and mailed with his own mail at bulk rates but are subject to the single piece rate.

§ 24.8 Sealing.

(a) *What may be sealed*—(1) *Permissible.* The following mailed at third-class rates of postage may be sealed:

(i) Parcels.

(ii) Self-mailers more than 5 inches wide or more than 11½ inches long.

(iii) Envelopes more than 5 inches wide or more than 11½ inches long.

(iv) Merchandise, books, or catalogs in envelopes 5 x 11½ inches or smaller, provided that they are marked "Merchandise" or "Book" or "Catalog" in a prominent manner on the address side.

(2) *Prohibited.* Except for items in subdivision (iv) of subparagraph (1) of this paragraph, envelopes and self-mailers measuring 5 x 11½ inches or smaller, when sealed, are subject to the first-class rate.

(b) *Examination.* Third-class mail must be prepared so that it can be easily examined. Mailing of sealed articles under paragraph (a) of this section at the third-class rates of postage is deemed to be the consent of the mailer to postal inspection of the contents. To assure that their parcels will not be opened for postal inspection, mailers should in addition to paying the first-class rate of postage, plainly mark their parcels "First-Class" or with similar endorsement.

(c) *Penny-saver envelopes.* Envelopes having one small spot of gum to hold a loose end flap are accepted as unsealed. The words "Pull Out for Postal Inspection" must be printed on, or adjacent to, the loose flap and must be entirely exposed when the envelope is ready for mailing. The closing outside flap that folds over the loose end flap must not be gummed on the surface touching the loose flap.

NOTE: The corresponding Postal Manual Part is 134.

IV. In § 43.6 *Mail chutes and receiving boxes,* make the following changes:

A. Subparagraph (3) of paragraph (b) is amended to eliminate report, by the postmaster to the regional office, of approval for mailing chute and receiving box installation. As so amended subparagraph (3) reads as follows:

(b) *Approval of installation.* * * *

(3) If the postmaster approves the contract and specification, he will endorse his approval upon the contract and return it to the applicant. In questionable cases he will refer the file with full details to the Regional Operations Director for review.

NOTE: The corresponding Postal Manual section is 153.623.

B. In paragraph (c) (2), subdivision (ii) is amended for the purpose of clarification to read as follows:

(c) *Specification for construction of chutes.* * * *

(2) *Material.* * * *

(ii) Chutes must be securely mounted on steel angles, or other material approved by the Regional Operations Director. The mounting must be plumb and flush the entire length of the chute. The chute must be so constructed that floor sections can be easily removed from floor thimbles.

NOTE: The corresponding Postal Manual section is 153.632b.

C. In paragraph (d) make the following changes:

1. In subparagraph (2) strike out "injury" where it appears in the second sentence therein, and insert in lieu thereof "damage".

2. In subparagraph (6) amend the first sentence to read as follows:

(6) *Auxiliary box.* If the receiving box to be attached to the chute will not

be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed in close to the mail chute boxes.

* * * * *

NOTE: The corresponding Postal Manual sections are 153.642 and 153.646.

D. In paragraph (e), subparagraph (1) is amended by adding a new sentence immediately following the last sentence therein to read: "Form 1506, Mail Chute Inspection, should be completed at the time the chute is inspected and retained in the office of the postmaster."

NOTE: The corresponding Postal Manual section is 153.651.

E. Paragraph (h) is amended for the purpose of clarification to read as follows:

(h) *Mailing chutes and receiving box manufacturers.* (1) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cozine Ave., Brooklyn, N.Y.; Cutler Mail Chute Co., 76 Anderson Ave., Rochester 7, N.Y.; Federal Mail Chute Corp., Ltd., 436 Kearny Street, San Francisco 8, Calif.

(2) Louis Sack Co., Inc., 24 Lake St., Somerville 43, Mass. is authorized to manufacture only receiving boxes for mailing chutes.

NOTE: The corresponding Postal Manual section is 153.68.

(R.S. 161, as amended, 396, as amended, sec. 1, 24 Stat. 569, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 156)

V. In § 46.2 *Delivery routes*, paragraph (e), as amended by FEDERAL REGISTER document 59-10726, 24 F.R. 10389-90, is further amended to read as follows:

(e) *Star-route delivery.* Patrons living on or near a star route, where the contract calls for box delivery and collection service, and not within one-fourth mile of any post office, may have their mail deposited on the line of the star-carrier route in a box erected so that the carrier may deliver and collect mail without dismounting from his vehicle. Authorization for mail delivery at a star route box is made on Form 5431, "Standing Delivery Order—Star Route", available at post offices. Star-route carriers are agents of the patrons for whom they deliver and collect mail along their routes and are not employees of the Postal Service. Persons residing on roads traveled by both rural and star-route carriers may qualify as patrons of either or both routes. If one box is used for both routes, it must be an approved standard rural-route box.

NOTE: The corresponding Postal Manual section is 156.25.

(R.S. 161, as amended, 396, as amended, sec. 1, 39 Stat. 423; 5 U.S.C. 22, 369, 39 U.S.C. 191, 192)

VI. In § 48.2 *Treatment by classes*, paragraph (f) is amended for the purpose of clarification to read as follows:

(f) *Airmail.* Airmail weighing 8 ounces or less will be returned by the same transportation as first-class mail at no additional charge. Airmail weighing more than 8 ounces is returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it will be returned at the airmail rate to be collected on delivery to the sender.

NOTE: The corresponding Postal Manual section is 158.26.

(R.S. 161, as amended, 396, as amended, sec. 1, 46 Stat. 269, as amended, sec. 2, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 261, 278b)

VII. In § 49.3 *Box delivery and collection service*, subparagraph (2) of paragraph (b) is amended to read as follows:

(b) *Availability.* * * *

(2) Live at least one-fourth mile from a post office.

NOTE: The corresponding Postal Manual section is 159.32b.

(R.S. 161, as amended, 396, as amended, 3964, as amended, 3965, 3966, 3968; 5 U.S.C. 22, 369, 39 U.S.C. 481, 483, 484, 486)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-1081; Filed, Feb. 2, 1960; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Miscellaneous Amendments

Part 12 of Title 45 CFR (21 F.R. 9477) is hereby amended in the following respects:

1. By deleting § 12.1(d) and consecutively relettering paragraphs (e) through (q) as paragraphs (d) through (p) in § 12.1.

2. By amending § 12.3(f) to read as follows:

(f) Only those activities devoted to academic, vocational or professional instruction, or organized and operated to promote and protect the public health, are eligible. Examples of such eligible activities are universities, colleges, junior colleges, junior or senior high schools, elementary schools or school systems, vocational or specialized schools, research activities, public libraries, and similar activities primarily educational in character; general and specialty hospitals, mental institutions, clinics, health sanitation activities (including water and sewer departments), facilities providing public health services, and similar activities devoted primarily to the protection and promotion of public health. The program of an institution eligible for a transfer must contemplate use of the property as an integral part of an activity of the kind above described. The activity must obtain such licenses for operations as may be required by State and local law.

3. By amending § 12.4(b) to read as follows:

(b) Unless excepted by the General Services Administration from the assignment of property to this Department, mineral rights will, in all cases, be conveyed together with the surface rights. However, where the property to be conveyed overlies a known mineral structure of commercial value, the Department, in its discretion will:

(1) Convey the mineral rights separately from the surface rights upon payment by the transferee of the fair value thereof, as determined by the Department, without application of the public benefit allowance; or

(2) Convey the mineral rights together with the surface rights with the requirement in the conveyance instrument that, during the period of restricted use, all revenues or the reasonable value, as determined by the Department, of benefits to the transferee deriving directly or indirectly from any and all mineral leases or royalties shall be considered to have been received and held in trust by the transferee for the United States and shall be subject to direction and control of the Department, together with a reservation to the Government, in the conveyance instrument, at its option, to revert title to any and all mineral interests conveyed at any time during the period of restricted use.

4. By amending § 12.11 by adding at the end thereof the following new paragraph (f):

(f) Where an eligible applicant for an on-site transfer proposes to construct new, or rehabilitate old facilities, the financing of which must be accomplished through issuance of revenue bonds having terms inconsistent with the terms and conditions of transfer prescribed in § 12.9 (c), (d) and (e), the Department may, in its discretion, impose such alternate terms and conditions of transfer in lieu thereof as may be appropriate and effective to assure utilization of the property for educational or public health purposes; provided, however, that the right to repossess in the event of national emergency, as set forth in § 12.9(c)(7) shall be reserved in every transfer.

(Sec. 203, 63 Stat. 385, as amended; 40 U.S.C. 484)

Dated: January 27, 1960.

[SEAL] ARTHUR S. FLEMING,
Secretary.

[F.R. Doc. 60-1070; Filed, Feb. 2, 1960; 8:48 a.m.]

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

Miscellaneous Amendments

Part 13, Title 45 CFR (21 F.R. 8359) is hereby amended in the following respects:

§ 13.1 [Amendment]

1. By amending § 13.1(o) to read as follows:

(o) "Eligible applicant" means a civil defense organization as defined in paragraph (e) of this section or an approved or accredited tax-supported medical institution, hospital, clinic, health center, school, school system, college, university, and an approved or accredited nonprofit medical institution, hospital, clinic, health center, school, college, or university which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

2. By amending § 13.1(s) to read as follows:

(s) "Motor vehicles" means property in Federal Supply Classification Group 23.

3. By amending § 13.1(u) to read as follows:

(u) "Net proceeds" means the revenue realized by an authorized sale of donated personal property less (1) the certified costs or expenses of the donee in initially acquiring the property, (2) the actual costs of listing, lotting, and advertising the property for sale, and (3) such rehabilitation costs, paid by the donee, as are necessary to initially place the property in operable condition.

§ 13.5 [Amendment]

4. By consecutively relettering paragraphs (b) through (f) as (c) through (g) in § 13.5 and by inserting therein a new paragraph (b) as follows:

(b) An otherwise eligible applicant may, in the discretion of the Department, receive donable property prior to "approval" or "accreditation" (as elsewhere defined in this part) of its operations only where it is unable to obtain such approval or accreditation because it is newly organized or because the facilities in which the health or educational activities are to be housed are not yet constructed or are being constructed. In such cases, the applicant must demonstrate to the satisfaction of the Department, that upon completion of construction the facilities will be used for an eligible health or educational purpose and that such health or educational utilization will after operations in such facilities have commenced, receive such approval or accreditation. No property shall be so donated under this paragraph except upon submission of the application to the Department and the express written approval of the Department to such donation.

5. By renumbering § 13.8 as § 13.9 and § 13.9 as § 13.10 and by inserting a new § 13.8 as follows:

§ 13.8 Certifications and agreements respecting interstate distribution.

Where an applicant State agency is acting (under an interstate distribution agreement approved by the Department) as an agent and authorized representative of an adjacent State with which it shares a common boundary, the certifications and agreements required by §§ 13.6 and 13.7 shall also be made by such applicant State agency respecting the donees in such adjacent State to which distribution will be made and the property to be distributed in such adjacent State, and such certifications and agreements shall constitute the certifications and agreements of the adjacent State on whose behalf and as whose authorized representative the applicant State agency is acting.

(Sec. 203, 63 Stat. 385, as amended; 40 U.S.C. 484)

Dated: January 27, 1960.

[SEAL] ARTHUR S. FLEMMING, *Secretary.*

[F.R. Doc. 60-1069; Filed, Feb. 2, 1960; 8:48 a.m.]

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY

Service Charges and Funds

Section 14.8 of Part 14 of Title 45 CFR (21 F.R. 8432) is hereby amended in the following respects:

1. By deleting paragraph (b)(1)(iii).

2. By amending paragraph (h) to read as follows:

(h) When surplus property in the custody of the State agency is sold, it shall be sold for the benefit and account of the United States of America, and the State agency will be permitted to retain from the proceeds of the sale the actual cost of listing, lotting, and advertising. Listing, as used here, means preparing a list of the items of property to be advertised for sale with or without a description of each item. Lotting, as used here, means segregating the property to be sold and dividing the property into lots, if by such a grouping a greater return may be expected from the sale. Advertising, as used here, means any form of public announcement intended to give wide circularization and publicity to prospective purchasers.

(Sec. 203, 63 Stat. 385, as amended; 40 U.S.C. 484)

Dated: January 27, 1960.

[SEAL] ARTHUR S. FLEMMING, *Secretary.*

[F.R. Doc. 60-1071; Filed, Feb. 2, 1960; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13194; FCC 60-59]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Corpus Christi, Tex.

1. The Commission has before it for consideration the following matters:

(a) The proposal set out in its Notice of Proposed Rule Making, released September 11, 1959 (FCC 59-941), as amended by Orders of the Commission of October 9, 1959 (Mimeo No. 79572) and November 13, 1959 (Mimeo No. 80691), to amend § 3.606 *Table of assignments,* Television Broadcast Stations, as follows:

City	Channel No.	
	Present	Proposed
Corpus Christi, Tex....	6+, 10-, *16+, 22, 43.	3-, 6+, 10-, *16+, 22, 43.

(b) The comments and reply comments, pleadings and petitions, and alternative plans proposed by parties for amendment of the Table of Assignments.

2. The allocation problems presented in this case arise out of the difficulties experienced in the use of UHF channels for the television broadcast service. Corpus Christi, like many other communities throughout the United States, was assigned both VHF and UHF channels.[1] Only the stations on the two VHF channels have survived,[2] and it became important to consider methods for relieving the shortage of competitive facilities which so developed in this market.

3. It was determined that Channel 3 could be efficiently utilized at Corpus Christi; but it was first necessary to secure the consent of the Government of Mexico, in accord with the provisions of the Agreement of 1952 pertaining to television assignments within 250 miles of the border between the United States and Mexico. After prolonged negotiations extending over a period of approximately three years, we concluded an agreement with Mexico which permits the use of Channel 3 at Corpus Christi and, also, Channel 8 at Bakersfield, California and Channel 12 at Bakersfield or Santa Barbara, California. To accomplish this, it was necessary to make certain adjustments in the Mexican assignments, including the substitution of Channel 2 for Channel 3 at Nuevo Laredo, Tamaulipas.[3] Thus, we are now in a position to finalize the assignment of Channel 3 to Corpus Christi, providing it can be determined that the allocation will meet with public interest criteria.

4. We have considered all of the comments and reply comments submitted by

[1] Corpus Christi was allocated VHF Channels 6 and 10 and UHF Channels 16, 22 and 43, with Channel 16 reserved for educational purposes.

[2] Television Stations KRIS-TV, Channel 6 and KZTV, Channel 10. Television Station KVDO-TV, Channel 22, left the air in August, 1957. The remaining UHF channels (*16 and 43) were never activated.

[3] The agreement now calls for the use of Channel 3 at Corpus Christi and Channel 8 at Bakersfield, California, and Channel 12 at either Bakersfield or Santa Barbara, California, and calls for the following changes in the assignments for Mexico: Piedras Negras, Coahuilla, delete 2 and add 3 and 7; Monterrey, Nuevo Leon, delete 2+ and add 3+; Nuevo Laredo, Tamaulipas, delete 3 and add 2; Saltillo, Coahuila, delete 4— and add 5+; Torreon, Coahuila-Gomez Palacio-Ciudad Lerdo, Durango, add 2+, 4—, 7—, 11—. (Note: Channels 2+, 4—, 7—, and 11— may be used in any community within the triangle formed by Torreon, Gomez Palacio and Ciudad Lerdo).

the parties.[4] Support for the proposed amendments comes chiefly from those interested in the establishment of a third commercial VHF station at Corpus Christi; and the opposition comes mainly from Gulf Coast Broadcasting Company, KRIS–TV, Channel 6, and K–Six Television, Inc., KZTV, Channel 10, the licensees of the two commercial VHF stations operating at Corpus Christi. The arguments of the parties may be summarized as follows:

Supporting arguments. Based upon a study of the growth in population in the Corpus Christi area, there is a demonstrated need for an additional commercial VHF channel in that city. Corpus Christi had a 1950 population of over 100,000; and it is estimated that by 1965 its population will pass the 300,000 mark.

There is immediate assurance that an additional commercial channel will be utilized at Corpus Christi. South Texas Telecasting Corporation and Texas Coast Televisors of Corpus Christi have expressed a desire to apply for Channel 3, in the event it is assigned to Corpus Christi.

If a third service is to be provided to Corpus Christi, a third commercial VHF channel must be made available. The UHF channel assignments for Corpus Christi will not be utilized, for it is impossible for a UHF station to operate in competition with the two established VHF stations in the area.

The assignment of a third VHF channel to Corpus Christi will enhance the opportunities for more effective competition among the stations operating in that area.

The Commission's plan is the most efficient of the ones being considered.

The Commission's plan can be implemented without waiver of its mileage separation requirements.

Opposing arguments. Statutory considerations, section 307(b) of the Act, require that the channel be made available to Houston, San Antonio, Galveston, or Austin in preference to Corpus Christi.

Corpus Christi presently enjoys adequate media of mass communications with service from 10 radio stations (7 locally assigned); two television stations; two daily newspapers; and several weekly newspapers.

There is no present shortage of facilities for the networks. None of the three networks has a critical time clearance problem and network advertisers have ample access to this market.

Assignment of Channel 3 to Corpus Christi would forever preclude another VHF channel being made available to Austin, Texas. If the rule making for Corpus Christi is not finalized, Channel 3 at Bryan, Texas, could be relocated in the Elgin-Bastrop area and a station so located would provide city-grade service to Austin and good coverage to Bryan.

Corpus Christi is not a major market and will not support a third commercial VHF station. Closing of military installations in the area accentuates this factor. In 1958, six Corpus Christi stations reported an overall operating loss; and the introduction of the third commercial VHF outlet will seriously affect the present economic situation to the detriment of existing media and the public. The economic problems of the present Corpus Christi VHF stations is serious enough, especially since they must compete with two existing San Antonio stations which utilize tall towers and feed community antenna systems at Port Lavaca and Victoria, Texas.

Maximum power and facilities were obtained by the Corpus Christi VHF stations on the basis that the market would be confined to two VHF outlets. If the third VHF outlet is established, the existing VHF stations would be required to cut back on power and facilities to the detriment of the public.

5. Corpus Christi, with a population (1950 Census) of about 108,000, is a sizeable community. It needs and can effectively utilize an additional VHF channel. Under our proposal herein Channel 3 can be assigned to Corpus Christi in compliance with all rules, including minimum mileage separations. That assignment would provide outlets in Corpus Christi for each of the major TV networks, and thereby improve service to the public, and enhance the opportunities for effective competition among the networks and stations in the Corpus Christi market. Moreover, Channel 3 can now be used at Corpus Christi in accord with our recent agreement with the Government of Mexico. The alternative plans proposed herein would require renegotiation of this agreement and could not be made operative for a number of years, if at all. These basic factors persuade us that adoption of the proposed amendments would be in the public interest.

6. We do not believe there is sufficient merit to the arguments in opposition to warrant the abandonment of the amendments proposed herein. Houston has three commercial (KHOU–TV, Channel 11; KPRC–TV, Channel 2; and KTRK–TV, Channel 13) and a noncommercial educational station (KUHT, Channel 8) in operation. There is a greater need for the additional channel at Corpus Christi, where it will provide the third VHF outlet, than for a fourth commercial VHF channel at Houston. In addition, Channel 3 cannot be efficiently used at Houston where KPRC–TV operates on adjacent Channel 2. Galveston, where one counterproposal envisages the assignment of Channel 3, already receives three services from stations serving the Houston-Galveston area whereas Corpus Christi has no means of obtaining a satisfactory third television service from another nearby city. San Antonio also has three commercial VHF stations and a noncommercial educational VHF channel available to it. On the basis of public interest considerations, we favor the assignment of the third VHF channel to Corpus Christi over the assignment of a fourth for San Antonio. Channel 3 cannot be used at Austin unless it is deleted at Bryan, Texas, where it is occupied by KBTX–TV. Television Station KTBC–TV, Channel 7, now serves Austin and we are of the view that the public interest would better be served by the assignment of Channel 3 to Corpus Christi than by shifting Channel 3 from Bryan to Austin, which would preclude the Corpus Christi assignment.

7. We have weighed the remaining arguments submitted by parties opposing the assignment of a third VHF Channel to Corpus Christi—adequacy of present media of mass communications; undesirability of creating opportunities for further competition in the Corpus Christi market; sufficiency of present television facilities to serve the needs of the networks; and desirability of maintaining the status quo and thereby enabling existing VHF stations to operate with maximum power and facilities. We reject them as unpersuasive. We find no merit in the contention that the present media of mass communications are adequate. We are unaware of any proper basis for contending that a community is adequately served by any given number of radio or TV's, or newspapers and that an additional service would fulfill no public need. It seems to us especially difficult to support such a contention with respect to a city the size of Corpus Christi where there are only two operating TV stations.

8. In opposing our proposal for a third VHF station, some parties assert that the establishment of a third station, rather than augmenting service, would reduce it. In support of this contention, it is argued that the existing stations would be so adversely affected that they may have to reduce power and would be curtailing service they are now rendering. We find little basis for anticipating so unusual a result. Nor do we find substance in the arguments that in deciding to go to maximum power an existing station was entitled to rely upon perpetuation of the then existing channel assignments which included only two VHF channels for Corpus Christi. Licenses are granted to operate broadcast stations and provide program service in a field of open competition as plainly contemplated by the Communications Act. It is our view, despite the opposing arguments, that the provision of a third VHF outlet to Corpus Christi will benefit the public, both by adding a new program service and by increasing existing competition among local TV stations.

9. The University of Corpus Christi submits a counterproposal that Channel 3 be reserved for educational purposes.[5]

[4] Comments of the American Broadcasting Company were received by the Commission on October 27, 1959. The last day for filing comments was October 26, 1959. ABC petitioned for acceptance of late filed comments. Since good cause was shown and we find that the interests of other parties will not be prejudiced, we accept and have considered ABC's comments.

[5] In a separate pleading, Ben F. McDonald, Jr., suggests that the public interest generally requires that the VHF channel being surrendered at Laredo be reserved for educational use at Corpus Christi. We do not here propose to delete a commercial VHF channel at Laredo. Considerations involved in the designation of Channel 3 as an educational reservation are discussed elsewhere in this Report and Order.

This proposal is supported by a number of the parties, including public officials, civic groups and organizations, and educational leaders and institutions. We have summarized the supporting arguments as well as those which oppose the reservation of the channel for educational purposes. They are as follows:

Supporting arguments. There is a great need for an educational TV station in the Corpus Christi area. There is no existing educational television station to serve Corpus Christi; and it is the only well populated area in the State where such a reservation has not been made.

UHF is impractical for educational purposes at Corpus Christi. There is a lack of UHF conversion in the area; and the public will not purchase UHF sets for the sole purpose of receiving educational programs. Moreover, essential public support for a UHF educational station is not available. On the other hand, funds for an educational VHF station will be readily obtainable from business, industry, and private sources.

A VHF educational station would serve over one-half million people and provide a suitable outlet for the numerous public and private colleges and schools in the Corpus Christi area; and the public would benefit from the educational programs which would feature the combined efforts of all educational organizations in Corpus Christi.

A VHF educational station would afford an effective medium for classroom and home instruction and, in this way, supplement and aid the overtaxed faculties and facilities of colleges and schools in the area.

An additional VHF channel reservation at Corpus Christi would enhance the opportunities for cooperation among educational stations and foster the growth of an educational television service on a statewide basis.

Commercial facilities cannot fulfill the requirements for educational television. Large blocks of station time on a regular basis are needed and the same are not available from commercial stations.

The highest priority should be given to this request by the educators. Here the need for the first educational reservation outweighs the need for the third commercial outlet for Corpus Christi.

It is most difficult for educational interests to secure sufficient funds to enter into a comparative hearing for an available channel with commercial interests. The outcome of the hearing is too uncertain to form a proper basis for solicitation of public funds and supporting funds for an educational station would be expected to come, in part, from the very persons who are likely to file competing applications for the channel.

Opposing arguments. The needs of the community for educational programming can be served by three commercial stations operating in Corpus Christi. The third VHF outlet will result in increasing station time available for educational programming.

Plans for the implementation of an educational assignment have not been sufficiently advanced to insure use of the channel for educational purposes; and one can reasonably state that it would be a number of years before the educational station would be built.

The better procedure would be to allow educational interests to apply for the channel and be considered in a comparative proceeding with others interested in its use on a commercial basis.

10. We have considered these arguments with care, and conclude, despite the arguments favoring the reservation, that under the circumstances of this case we cannot set aside the only available VHF channel at Corpus Christi for the exclusive use of the interested educational organizations. An educational station at Corpus Christi on a VHF channel would undoubtedly serve a public need in that area. Its chances of success on the VHF frequencies would be improved over that to be expected from a UHF channel at Corpus Christi, especially in view of the low set conversion figure for that area. There would also be other advantages to reserving the channel, for the reasons specified by the parties and summarized above.

11. On the other hand, we have been seeking ways to eliminate critical shortages in commercial facilities in a number of important markets. We consider Corpus Christi to be such a market and that there is a need for additional commercial service in that area. Unfortunately, there are not sufficient channels available in the VHF spectrum to accommodate the demand there for both commercial and noncommercial facilities. With this situation before us, we have resolved that the best procedure from the standpoint of the public is to weigh the comparative merits of the proposals of all parties, including applicants for commercial and educational facilities, in an adjudicatory proceeding to determine which applicant is best qualified in the public interest to receive the grant. For these reasons, we must reject the counterproposal of the University of Corpus Christi to reserve Channel 3 for educational purposes.

12. KCOR, Inc. has submitted counterproposals which look toward the assignment of Channel 2 to San Antonio. We have considered the substance of these proposals and many of the arguments in support thereof in our Memorandum Opinion and Order, released March 3, 1958 (FCC 58-187); in our Memorandum Opinion and Order, released December 23, 1958 (FCC 58-1220); and in our Memorandum Opinion and Order, released September 11, 1959 (FCC 59-941).

13. KCOR again refers to the special features of its programming; the need for the fourth commercial VHF station in San Antonio; the impossibility of surviving on UHF in the area in question; and the operating difficulties it has experienced. Its plans, alternatively, call for mileage separation reductions; a possible change in the boundary line between Zone II and Zone III; and the use of Channel 7 at Corpus Christi in lieu of Channel 3. These proposals are objected to by a number of parties. We summarize the arguments in opposition as follows:

The need for the third commercial VHF assignment at Corpus Christi outweighs the need for the fourth commercial VHF assignment at San Antonio and the desire for the fifth VHF channel at San Antonio should not be allowed to delay the third VHF assignment for Corpus Christi.

The assignment of Channel 2 to San Antonio or 7 to Corpus Christi will require the consent of the Mexican Government. Obtaining the same will require an indefinite, extensive period of time. Moreover, Mexico will not accept the substitution of a high band VHF channel for a low band VHF channel at Nuevo Laredo, as alternatively suggested.

San Antonio is approximately 190 miles from KPRC-TV, Channel 2, Houston, and, consequently, use of Channel 2 at San Antonio would require a substantial reduction in the mileage separation requirements (Zone III, 220 miles) or the use of a tower on the order of 1,800-2,000 feet at a site meeting the applicable 220 mile separation. The use of the high tower involves serious air space problems. Besides, one would not expect a station with its transmitter at Pipecreek to be able to effectively compete with the close-in network stations at San Antonio.

Corpus Christi (Post Office) is approximately 173 miles from KTBC-TV, Channel 7, Austin, and, consequently, use of that channel at Corpus Christi would require a substantial reduction in the mileage separation requirements (Zone III, 220 miles).

The proposal by KCOR to shift the zone line is unsupported and would not be in the public interest. The zone in question (Zone III) was established on the basis of sound engineering considerations—tropospheric propagation characteristics in the area adjacent to the Gulf of Mexico—and should not be changed to accommodate a particular assignment or to meet alleged competitive economic needs for improved service in a given case. A zone line should be modified only to correct an error in establishing the original line or where substantial public interest considerations compel its redesignation.

14. We have carefully reviewed all of the arguments in support of, and in opposition to, the proposals of KCOR. Each plan requires the use of Channel 2 at San Antonio, a channel which, as we have shown, is now assigned to Nuevo Laredo under the recently concluded agreement with the Government of Mexico.

15. The use of Channel 3 at Corpus Christi was contingent upon its deletion from Nuevo Laredo. This, in turn, required the concurrence of the Government of Mexico. After three years of negotiation, an agreement was reached and consummated which permits our use of Channel 3 at Corpus Christi. This was achieved only by substituting Channel 2 for Channel 3 at Nuevo Laredo. The substitution of Channel 13 at Nuevo Laredo for Channel 3 was unsatisfactory to Mexico. It appears that the further proposal of KCOR to delete all assignments for that city would be unacceptable.

16. Adoption of any of the suggestions proposed by KCOR would entail rene-

gotiation of the agreement just concluded, and would delay the use of Channel 3 at Corpus Christi or elsewhere within 250 miles of the Mexican Border. Moreover, reopening the agreement as to Channel 3 may, because of other inter-related channel shifts, raise questions concerning the proposed use of Channels 8 and 12 in the State of California, as provided by the present agreement. The ultimate objective would be to provide San Antonio with its fifth VHF channel at the expense of a third for Corpus Christi, a result which, in our opinion, is not warranted under the circumstances of this case.

17. Incidental to its proposed use of Channel 2 at San Antonio KCOR suggests that we assign Channel 2 to San Antonio at a separation less than that required in Zone III and restrict its radiation in the direction of Nuevo Laredo. The distance between San Antonio and Nuevo Laredo is approximately 150 miles. A domestic separation of 220 miles is required in Zone III. Based on our own standards, a derogation on the order of 70 miles would be involved. KCOR cites our actions in Utica, New York, and Miami, Florida, as precedents for its proposal. There was, however, no spacing violation involved in our Channel 2 assignment in Utica. The Canadian Government nevertheless requested that a station on Channel 2 at Utica restrict its radiation toward Canada. A waiver of approximately 5 miles was granted in the Miami case. This permitted the Board of Public Instruction of Dade County, Florida, licensee of WTHS–TV, Channel 2, to locate its tower at the antenna farm. Telrad, Inc., licensee of WESH–TV, Channel 2, Daytona Beach, Florida, consented, in advance, to the action taken in that case. In neither instance was anything approaching a 70 mile shortage involved; and nothing in those cases suggests the desirability or the practicability of the short spacing proposed by KCOR.

18. Alternatively, KCOR proposes that we amend the boundary line between Zone II and Zone III by shifting it approximately 22 miles southeast of its present location in the vicinity of San Antonio. This would permit the antenna of the proposed Channel 2 station at San Antonio to be positioned closer to that City and relieve the requirement for a tower of approximately 1800 feet. Moreover, it would permit the use of Channel 7 at Corpus Christi at a site approximately 15 miles south of the City.

19. The boundary line between Zone II and Zone III was established in recognition of the tropospheric propagation characteristics in the region adjacent to the Gulf of Mexico. Being so based, that boundary cannot appropriately be shifted without referring to propagation phenomena, merely to make possible an individual channel assignment otherwise excluded. KCOR does not contend that the Zone boundary was located erroneously on the basis of the engineering considerations which determined its location, and it would not be appropriate to shift it for the purpose of overcoming the separation problems discussed above. Moreover, a shift in the location of a boundary line would not eliminate the necessity of obtaining the consent of the Mexican Government to the assignment of Channel 2 at San Antonio.

20. KCOR additionally suggests that Channel 7 be used at Corpus Christi in lieu of Channel 3. This would require changes in the Mexican assignments at Piedras Negras, Matamoros, and Monterrey and would involve a shortage between the proposed Channel 7 station at Corpus Christi and KTBC–TV, Channel 7, at Austin. Austin and Corpus Christi are approximately 170 miles apart. The KTBC–TV transmitter is close to the northwest edge of Austin. In order to meet mileage separation requirements (220 miles in Zone III), the Channel 7 transmitter at Corpus Christi would have to be located approximately 50 miles south of that City. This would not be a feasible allocation under the circumstances of this case. Furthermore, we would have to renegotiate our present agreement with Mexico. In these circumstances we consider the proposal herein distinctly preferable to the use of Channel 7 at Corpus Christi as proposed by KCOR.

21. In the light of all the above-mentioned considerations, including the matters discussed in the above-cited Memorandum Opinions and Orders, we deny KCOR's counterproposal to have Channel 2 assigned to San Antonio. Insofar as KCOR has petitioned for alternative relief in connection with its proposed use of Channel 2 at San Antonio, such requests for alternative relief are also denied.

22. D. W. Strahan proposes that Channel 3 be assigned to the Kingsville-Alice area in lieu of Corpus Christi. He argues that the need for a first local outlet in these communities is greater than for the establishment of the third VHF station at Corpus Christi; that advertisers in the area in question will be better served; and that Kingsville and Alice are growing in population and economic importance and require the channel.

23. Alice is approximately 40 miles west of Corpus Christi and Kingsville approximately 30 miles southwest of the City. Alice and Kingsville are approximately 20 miles apart. These cities had a combined 1950 population of 33,347 compared to 108,287 for Corpus Christi. Alice and Kingsville would receive a Grade B or better service from a Channel 3 station at Corpus Christi, depending on the location of the Corpus Christi station and the height and power used by it. It is our view that the opportunities for establishing a third service to this area will be enhanced if the allocation is made to Corpus Christi. This is in keeping with our objective in making assignments to major markets in which there are shortages of competitively comparable facilities. In our opinion, Corpus Christi is such a market and has greater need for the channel than either Alice or Kingsville, or Alice and Kingsville combined. We further believe that the accessibility of Corpus Christi stations to local advertisers will be improved by making available the third outlet in Corpus Christi.

24. K–Six Television, Inc., licensee of KZTV, Channel 10 at Corpus Christi, requests that an adjudicatory hearing be held in conjunction with the instant rule making to determine whether the allocation of Channel 3 to Corpus Christi would result in such economic injury to its station, KZTV, as to damage or destroy its ability to provide service consistent with the public interest. Comments in opposition argue that an evidentiary hearing is not required in rule making cases. A party is entitled to comment, it is said, but exhausts its rights by the filing of such comments.

25. We find nothing in the Communications Act, court decisions or past practices which supports K–Six's contention that in making decisions as to whether the Table of Assignments should be amended to assign Channel 3 to Corpus Christi "the Commission must grant a hearing [adjudicatory] to K–Six Television, Inc., to determine whether the allocation of Channel 3 to Corpus Christi would result in such economic injury to KZTV as to damage or destroy its ability to provide service consistent with the public interest". K–Six, as the licensee of a VHF station in Corpus Christi, is not entitled to protection against the financial or economic effects of competition added by the assignment of an additional VHF channel or the authorization of a third VHF station in Corpus Christi. The separate question of whether service to the public would be adversely affected by establishing a third TV outlet in Corpus Christi as claimed in the comments submitted by K–Six in this proceeding, has already been considered and disposed of. Whatever rights K–Six may have to press its point in such adjudicatory proceedings as may follow concerning subsequent authorizations to build a station on Channel 3 at Corpus Christi, K–Six does not have the right to demand the adjudication of that question in an evidentiary proceeding incidental to a decision on the question under consideration herein of whether Channel 3 should be assigned to Corpus Christi.

26. In the preceding paragraphs of this Report and Order, we have examined all of the reasons of substance advanced by the parties for adoption, modification, or rejection of the proposed amendments. On the basis of the record before us and in conformity with our findings set forth above, we are of the view that adoption of the proposed amendments is in the public interest.

27. Authority for the adoption of the amendments herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

28. In view of the foregoing: *It is ordered,* That effective March 7, 1960, § 3.606 of the rules is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Corpus Christi, Tex	3–, 6+, 10–, *16+, 22, 43

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: January 27, 1960.

Released: January 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1093; Filed, Feb. 2, 1960 8:50 a.m.]

[Docket No. 12780; FCC 60-73]

PART 12—AMATEUR RADIO SERVICE

Radiotelephony Between Certain Frequencies

1. On February 18, 1959, the Commission issued a Notice of Proposed Rule Making in the above-entitled matter as a result of a petition filed by the American Radio Relay League, Inc., 38 La Salle Road, West Hartford 7, Connecticut. This Notice was duly published in the FEDERAL REGISTER (24 F.R. 1427, February 26, 1959) wherein all interested parties were invited to file comments for or against the proposal. The time for filing such comments and replies thereto has now expired.

2. The Commission wishes to commend those amateurs who commented in this proceeding for the soundness and intelligence of their filings. Numerically, there was almost an equal division between those who favored the proposal as opposed to those who were against with the former slightly in the majority. However, both sides generally recognized the validity of the other's arguments with the result that the bulk of the comments presented thoughtful analyses of the proposal: should radiotelephony (A3 emission) be permitted between 14,300 kc and 14,350 kc? So many comments were received from individuals, clubs, and organizations representing large numbers of amateurs that it is impractical to discuss each one individually. Aditionally, many foreign amateurs submitted some excellent comments. The Commission will discuss below some representative comments on both sides of the question; however, all properly filed comments were given careful consideration.

3. Comments in opposition to the proposal:

A. Kenneth K. Bay, Lynchburg, Virginia, sets forth a representative argument against adoption of this proposal. He points out that although the entire 14,000–14,350 kc band is available for United States radiotelegraphy, such operation, as a practical matter, is concentrated in the 14,000–14,150 kc portion. The reason for this is that the remainder of the band has been taken over by radiotelephony, both United States and foreign (the 14,300–14,350 kc segment is presently utilized solely by the latter). Permitting our amateurs to use radiotelephony in this part of the band would mean that "the foreign radio telephone activity which formerly occupied 14,300 to 14,350 kc would shift to the region of 14,100 to 14,150 kc, thereby reducing the portion of the band available to radiotelegraphy." This, it is argued, would be the foreign radiotelephony user's means of escape from our radiotelephone interference. It is contended that the solution for radiotelephony operators is to turn to "spectrum conserving modes of transmission such as SSB" rather than to seek additional radiotelephony allocations.

B. R. E. Moren, Graham, North Carolina pointed out that closing this segment of the 14 Mc band to foreign radiotelephony operations (even the proponents of the proposal did not seriously question the conclusion that United States amateurs using A3 emission will drive out their foreign counterparts) will reduce the amount of messages from abroad intended for the families and friends of our military personnel stationed overseas. Along with Loren G. Windom, Civil Defense Director of Ohio and many other amateurs, Mr. Moren feels that if the proposal is adopted, "The good will which now exists between the U.S. hams and those in other parts of the world will, to a large extent be snuffed out by removing the only portion of the band available to our friends overseas that is essentially free of interference from U.S. phone stations."

C. Some amateurs expressed objections which were identical to those of foreign radiotelegraphy individuals and organizations who filed opposition comments. This group points out that this is one of the two remaining segments in this band where radiotelegraphy is possible. By informal cooperation among the users, both the telephony and telegraphy operators have been able to utilize this 50 kc portion with some success. If this proposal were adopted, "DX stations would be completely covered over * * * [and] would be forced to seek a new place on the band, perhaps just below 14,200, but * * * that would not go over very well with stations operating on that segment now, and so the hassle would continue with no real solution." It is felt that the net result of permitting United States amateurs to use A3 emission between 14,300 kc and 14,350 kc will be to drive foreign radiotelephony amateurs into the lower portion of this band and will thus hurt both United States and foreign radiotelegraphy operations.

4. Comments in favor of the proposal:

A. Dr. Earl E. Weston, Detroit, Michigan, argues that adoption of this Notice will aid rather than hurt our foreign relations. He regards radiotelephony as a superior means of communicating with other amateurs here and abroad as opposed to the mere signal contact obtained by radiotelegraphy. Also single sideband radiotelephony operation "is reputed to travel well on relatively low power and is of narrow band width. Hence DX SSB stations should be able to either break into round tables or find space to squeeze between." To enable radiotelephony users in this country to "spread out a little more" will result in better communications.

B. Jack L. R. Williams, Rochester, New York, along with a large number of other amateurs, states that the segment of the band in question is presently occupied by a small number of stations. (It should be noted that although estimates of the amount of usage in this portion of the band vary, even the opponents of the proposal concede that its main function is for foreign telephony operations, rather than for domestic telegraphy. It should be further noted that United States amateurs are approaching the 200,000 mark while there are approximately 80,000 in the rest of the world.) He queries whether it is fair to tie up so much space for so few. Others expressed the fear that such limited usage might result in this portion of the band being lost for amateur operation at some future International Conference.

C. Finally, the American Radio Relay League, Inc., West Hartford 7, Connecticut, points out that expansion of radiotelephony privileges into this portion offers at least a partial solution to the dual problem of a rapid increase in the number of amateurs coupled with a constantly growing trend toward radiotelephony. While admitting that such expansion will result in a corresponding reduction of space for foreign radiotelephone operation, the League concludes that "the demonstrated need of U.S. amateurs for additional radiotelephony space at 14 megacycles is the paramount factor."

5. Summary: In essence, the arguments against the proposal are: (a) it will reduce the amount of space in this band available for United States radiotelegraphy operations, and (b) it will hurt foreign radiotelephony transmissions. The contentions of the proponents are: (a) more space is needed for United States radiotelephony and this need is constantly increasing, and (b) this portion of the 14 megacycle band is now being used sparsely, particularly by our DXers.

6. Conclusions: The Commission is of the opinion that the amendment proposed in the Notice of Proposed Rule Making should be adopted. The comments have adduced sufficient evidence to warrant the conclusion that American radiotelegraphy use of the frequencies between 14,300 kc and 14,350 kc is limited. The question then resolves itself into a determination of United States v. foreign radiotelephony. While recognizing the advantages which are available to foreigners in the 14,300–14,350 kc band, the Comission wishes to point out that non-United States radiotelephone operation can still be conducted on the frequencies below 14,200 kc. However, at the present time, the space for A3 emission in the 14,000–14,350 kc band is plainly inadequate for the United States amateur. Therefore, the Commission would be remiss in its duty to act in the public interest if it did not attempt to find additional space for the large number of new and old amateurs who are turning more and more to radiotelephony. To be consistent with its rules regarding other portions of the amateur bands below 30 Mc where radiotelephony is permitted, the Commission is also amending section § 12.111(d) so as to eliminate the availability of F1 emission between 14,300 and 14,350 kc.

7. *Acordingly, it is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 12 of the Commission's rules be and is amended, effective March 10, 1960, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 27, 1960.

Released: January 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 12.111(d) is amended to read as follows:

§ 12.111 Frequencies and types of emissions for use of amateur stations.

* * * * *

(d) 14,000 to 14,350 kc, using type A1 emission, 14,000 to 14,200 kc using type F1 emission and on frequencies 14,200 to 14,350 kc, type A3 emission or narrow-band frequency or phase modulation for radiotelephony.

[F.R. Doc. 60-1092; Filed, Feb. 2, 1960; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-56]

PART 172—INFORMATION REQUIRED ON RECEIPTS AND BILLS

Issuance of Expense Bills by Motor Common Carriers Performing Charter Operations

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 20th day of January A.D. 1960.

It appearing that by order dated December 10, 1959, published in the FEDERAL REGISTER on December 24, 1959 (24 F.R. 10677), regulations designated as § 172.5 *Expense bills for transportation of chartered parties,* were approved, adopted, and prescribed, to become effective February 1, 1960; and

It appearing that petitions have been filed by Public Service Coordinated Transport and the National Bus Traffic Association, Inc., dated January 6, 1960, and January 7, 1960, respectively, requesting that the effective date of the regulations prescribed in § 172.5 of this part be postponed from February 1, 1960, until April 1, 1960, and good cause appearing therefor;

It is ordered, That the effective date of § 172.5 be, and it is hereby postponed to April 1, 1960.

Notice of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(Secs. 204(a) (1) and (6), 216, 220, 49 Stat. 546, 558, 563, as amended; 49 U.S.C. 304, 316, 320)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-1077; Filed, Feb. 2, 1960; 8:48 a.m.]

SUBCHAPTER C—CARRIERS BY WATER

PART 301—REPORTS

Inland and Coastal Waterways Annual Report Form K-A (Class A and Class B Carriers)

At a Session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 18th day of January A.D. 1960.

It appearing that the matter of annual reports of Class A and B water carriers operating on inland and coastal waterways being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 301.10 of the order of January 15, 1959, in the matter of Inland and Coastal Waterways Annual Report Form K-A, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1959, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 301.10 be, and it is hereby, modified and amended to read as follows:

§ 301.10 Annual reports of Class A and B water carriers on inland and coastal waterways.

Commencing with the year ended December 31, 1959, and for subsequent years thereafter, until further order, all water carriers on inland and coastal waterways, subject to the provisions of section 313, Part III of the Interstate Commerce Act, and of Classes A and B, as described in § 126.2, viz., carriers with average annual operating revenues exceeding $100,000, are required to file annual reports in accordance with Inland and Coastal Waterways Annual Report Form K-A (Class A and Class B Water Carriers),[1] which is made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 313, as amended; 54 Stat. 944; 49 U.S.C. 913)

And it is further ordered, That a copy of this order and of Annual Report Form K-A shall be served on all Class A and Class B water carriers by inland and coastal waterways subject to its provisions, and upon every trustee, receiver, executor, administrator or assignee of any such water carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-1079; Filed, Feb. 2, 1960; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 160, 161]

GRAZING LEASES; FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Compensation for Loss of Improvements and Restrictions in Gathering Unlicensed Horses and Burros From Public Lands

Correction

In F.R. Doc. 60-58, appearing at page 81 of the issue for Wednesday, January 6, 1960, the word "lien" in § 161.15(g)(2)(i) should read "lieu".

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-FW-89]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Segment of Federal Airways, Associated Control Areas, Control Area Extension and Reporting Points and Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and §§ 600.15, 601.15, 601.1086 and 601.4015 of the regulations of the Administrator, the substance of which is stated below.

Green Federal airway No. 5 extends, in part, from Pine Bluff, Ark., to Nashville, Tenn. The Federal Aviation Agency has under consideration the revocation of Green 5 and its associated control areas from Pine Bluff to Nashville. The Federal Aviation Agency IFR peak-day survey for the calendar year 1958 showed less than 12 aircraft movements on this segment of Green 5. On the basis of this survey, it appears that retention of this segment is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Green 5 is a part of the boundary de-

[1] Filed as part of the original document.

scription of the Memphis, Tenn., control area extension. Accordingly, this control area extension would be redesignated concurrently by substituting in its description VOR Federal airway No. 16 for Green 5. Green 5 is also part of the boundary description for the Pine Bluff control area extension. Concurrently with this action, the Pine Bluff control area extension would be revoked since the present Little Rock, Ark., control area extension encompasses sufficient airspace to meet the control area extension requirements at Pine Bluff. The following associated reporting points would also be revoked: Memphis, Nashville, and Jacks Creek, Tenn., radio ranges and Pine Bluff, Ark., and Smithville, Tenn., nondirectional radio beacons.

If this action is taken, the segment of Green Federal airway No. 5 and its associated control areas from Pine Bluff, Ark., to Nashville, Tenn., would be revoked; the Memphis, Nashville and Jacks Creek, Tenn., radio ranges and the Pine Bluff, Ark., and Smithville, Tenn., nondirectional radio beacons would be revoked as designated reporting points on Green 5; the Memphis, Tenn., control area extension would be redesignated by substituting VOR Federal airway No. 16 in lieu of Green 5 in the description; and the Pine Bluff, Ark., control area extension would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-1044; Filed, Feb. 2, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-51]

CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2155 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration modifying the Meridian, Miss., control zone to provide protection for aircraft conducting instrument approaches from the south. The present control zone includes the airspace within a 5-mile radius of Key Field, Meridian, Miss., with an extension 2 miles either side of the northwest course of the Meridian radio range extending from the radio range to a point 10 miles northwest and an extension within 2 miles either side of the 314° T radial of the Meridian VORTAC from the VORTAC to a point 10 miles northwest. It is proposed to designate an extension within 2 miles either side of the Meridian ILS localizer south course extending from the 5-mile radius zone to the outer marker compass locator. The proposed extension to the south would provide protection for aircraft executing ADF approaches based on the Meridian outer marker compass locator. Concurrently, it is proposed to extend the present control zone extensions to the northwest to points 12 miles northwest of the VORTAC and the radio range in order to provide protection for aircraft executing standard VORTAC and radio range instrument approaches.

If this action is taken, the Meridian, Miss., control zone would be designated within a 5-mile radius of Key Field, Meridian, Miss. (latitude 32°20'06" N., longitude 88°44'54" W.), within 2 miles either side of the northwest course of the Meridian radio range extending from the radio range to a point 12 miles northwest and within two miles either side of the 314° T radial of the Meridian VORTAC extending from the VORTAC to a point 12 miles northwest and within 2 miles either side of the Meridian ILS localizer south course extending from the 5-mile radius zone to the outer marker compass locator.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-1042; Filed, Feb. 2, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-146]

CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1171 of the regulations of the Administrator, the substance of which is stated below.

The El Paso, Texas control area extension presently includes the area within 5 miles either side of the north course of the El Paso radio range extending from the radio range station to a point 11 miles north of the Newman, Tex., VOR excluding the portion which overlaps restricted areas, and all that area south of El Paso bounded on the northeast by VOR Federal airway No. 66, on the south by a line 5 miles south of and parallel to a direct line between the Clint, Tex., nondirectional radio beacon and the Hudspeth, Tex., VOR and on the west by a line 5 miles west of and parallel to the centerline of the south course of the El Paso, Tex., radio range, excluding the portion which lies outside the continental limits of the United States, and that area northeast of El Paso bounded on the south by Green Federal airway No. 5, on the west by the north course of the El Paso radio range, on the north by latitude 32°00'00" N. and on the east by Red Federal airway No. 71.

The Federal Aviation Agency has under consideration redesignation of the El Paso control area to include an extension 5 miles either side of the 302° True radial of the El Paso VOR, extending from the VOR to a point 37 miles northwest of the VOR. A total of approximately 23 square statute miles of additional control area would be designated if this action is taken. This would provide protection for aircraft departing to the northwest from El Paso Interna-

tional Airport and Biggs Air Force Base, Texas, during instrument flight rule conditions. Concurrently with this action, it is proposed to delete reference to L/MF navigation aids and airways in the description of the control area extension and to substitute therefor the appropriate VOR navigation aids and airways.

If this action is taken, the El Paso, Texas control area extension would be redesignated as follows:

Within 5 miles either side of the 008°, 165° and 302° True radials, of the EL Paso, Texas, VOR, extending from the VOR to points 21 miles north, 20 miles southeast and 37 miles northwest, including the area bounded on the north by latitude 32°00'00" N., on the east and south by VOR Federal airway No. 280 and on the west by a line 5 miles east of and parallel to the 008° True radial of the El Paso VOR and excluding those portions which would coincide with Restricted Areas R-209, 210 and 211 and that portion outside the United States.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on January 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-1043; Filed, Feb. 2, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation establishing tolerance for gibberellic acid in malt.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), the following notice is issued:

A petition has been filed by Rahr Malting Company, Manitowoc, Wisconsin, proposing the issuance of a regulation to establish a tolerance of 2.0 parts per million (0.0002 percent) for residues of gibberellic acid in malt remaining from the use of gibberellic acid in malting barley.

Dated: January 27, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1066; Filed, Feb. 2, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation establishing a tolerance for chlortetracycline in fresh meat cuts.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 349 (b)(5)), the following notice is issued:

A petition has been filed by Olin Mathieson Chemical Corporation, New Haven, Connecticut, proposing the issuance of a regulation to establish a tolerance of 4 parts per million (0.0004 percent) of chlortetracycline in or on retail fresh meat cuts.

Dated: January 27, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1082; Filed, Feb. 2, 1960; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55038]

WOOL

Determination of Kind and Quality

JANUARY 29, 1960.

Section 313(b), Tariff Act of 1930, as amended, was further amended by the Act of August 18, 1958 (T.D. 54670), to extend substitution under the prescribed conditions to all classes of merchandise used in the manufacture or production of articles for exportation with benefit of drawback.

The following grades of imported and domestic wools are of the same kind and quality within the meaning of section 313(b), as amended, and, within their respective grades, may be "substituted" on the basis of their clean content:

(a) Imported wools named in paragraph 1101(a) of the Tariff Act of 1930, as amended, in the grease or washed, and similar imported and domestic wools without merino or English blood, in the grease or washed.

(b) Imported and domestic wools, in the grease or washed, not finer than 40s, which are not covered by the preceding paragraph.

(c) Imported and domestic 44s wool in the grease or washed.

(d) Imported and domestic wools in the grease or washed, finer than 44s but not finer than 48s.

(e) Imported and domestic wools in the grease or washed, finer than 48s but not finer than 54s.

(f) Imported and domestic wools in the grease or washed, finer than 54s but not finer than 58s.

(g) Imported and domestic wools in the grease or washed, finer than 58s but not finer than 62s.

(h) Imported and domestic wools in the grease or washed, finer than 62s.

Wools, scoured, sorted or matched, or on the skin, carry different rates of duty from wool of the same grade when in the grease or washed. Each class which carries a different rate of duty must be dealt with separately, but the foregoing table may be applied to each such class within its class. For example, 44s wools, scoured, are of the same kind and quality; 44s wools, sorted or matchings, if not scoured (excluding 44s wools merely in the grease or washed) constitute another group for purposes of same kind and quality; and, similarly, with respect to wools finer than 54s but not finer than 58s, scoured, and so on through the various subdivisions as set forth in the above table according to whether the wools are classifiable under the tariff act as scoured, sorted or matched, or on the skin.

Such imported and domestic wools of the respective classes may be accounted for on the basis of their clean content. The clean content of the imported wools designated will have been determined for duty purposes. A record of such clean content determination shall be maintained as a part of the drawback records of the manufacturers or producers and drawback claimants. The clean content of the domestic wools "substituted" shall be established by commercial methods permitting an accurate comparison of the clean content of the domestic wools with the clean content of the imported wool "designated" and precluding the allowance of drawback in an amount greater than would have been allowable had the ex-

ported articles actually have been manufactured from such imported wool. Adequate records of the clean content of such domestic wool shall be maintained to permit verification by the Customs Service.

Section 313 requires that when two or more wool products result during the manufacture of articles for exportation with benefit of drawback, the drawback shall be distributed to all such products in accordance with their relative values at the time of separation. The manufacturer or producer shall maintain records showing the quantity and clean content of the wool (whether imported and/or domestic) actually used in the manufacture of the exported articles and the quantity and value at the time of separation of each product obtained.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 60-1098; Filed, Feb. 2, 1960; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 58]

DELEGATION OF AUTHORITY WITH RESPECT TO IRRIGATION AND DRAINAGE FOR CERTAIN RESTRICTED INDIAN LANDS

Functions Relating to Specific Legislation

Order 551, as amended, is further amended by addition of a new section under the heading Functions Relating to Specific Legislation, to read as follows:

Sec. 365. *Authority under Act of August 28, 1958 (P.L. 85-801; 72 Stat. 968).* The exercise of all authority contained in said act which provides for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, California, and for other purposes.

Dated: February 1, 1960.

H. REX LEE,
Deputy Commissioner.

[F.R. Doc. 60-1125; Filed, Feb. 2, 1960; 8:51 a. m.]

Bureau of Land Management

[81949]

MICHIGAN

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JANUARY 28, 1960.

Plats of survey of the lands described below will be officially filed in the Eastern States Land Office, effective 10:00 a.m. on March 28, 1960.

MICHIGAN MERIDIAN

	Acres
T. 41 N., R. 1 E.,	
Sec. 12, Lot 1, Crow Island	2.54
T. 41 N., R. 2 E.,	
Sec. 6, Lot 5, Bear Island	0.80
Sec. 7, Lot 1, Crow Island	1.46
T. 32 N., R. 4 E.,	
Sec. 29, Lot 6	0.11
Sec. 32, Lot 10	0.19
T. 42 N., R. 4 E.,	
Sec. 6, Lot 1, Little Lime Island	16.54
T. 26 N., R. 7 E.,	
Sec. 4, Lot 3	5.54
Sec. 5, Lot 4	1.22
T. 30 N., R. 4 W.,	
Sec. 25, Lot 9	3.18
Sec. 36, Lot 8	0.80
T. 27 N., R. 11 W.,	
Sec. 31, Lot 12	0.73
T. 20 N., R. 14 W.,	
Sec. 15, Lot 8	2.77

The surveys represented by the plats, were made to meet administrative needs following applications for survey and miscellaneous correspondence relative to the public land status of the apparent unsurveyed islands.

The lands identified as Lot 3, Sec. 4, Lot 4, Sec. 5, T. 26 N., R. 7 E., are within the exterior boundaries of the Huron National Forest, withdrawn by Proclamation 1844 dated July 30, 1928—1300975. Further, Lot 8, Sec. 15, T. 20 N., R. 14 W., is within the exterior boundaries of the Manistee National Forest, withdrawn by Proclamation 2306 dated October 25, 1938—See Letter "A" of November 10, 1938—1730168.

The island identified as Lot 1, Sec. 6, T. 42 N., R. 4 E., situated in the Straits of St. Mary, south of Lime Island in Sec. 6, and known as "Little Lime Island", was by Executive Order 2638 dated June 12, 1917, reserved for lighthouse purposes.

Upon the effective date hereof, the withdrawn and reserved land immediately described above, will become subject to the filing of applications based upon prior, valid, existing and maintained settlement rights; preference rights conferred by existing law; and equitable claims subject to allowance and confirmation. They will not be subject to other application, petition, location, selection, or to any other appropriation under any other public land law, unless and until a further order is issued by a duly authorized official of the Bureau of Land Management.

The remaining lands will become subject to the operation of/and disposition under the public land laws.

As determined from their examination by the surveyor, the lands are of sandy, stony, loam formation, with elevations ranging from 5 to 12 feet above water level. The timber species consist of cedar, white birch, norway pine, locust, ash, balm of gilead, white pine, poplar, jack pine, alder and spruce, ranging from 4 to 18 inches in diameter. There are no improvements on these islands.

No application may be allowed for the land under the homestead or small tract or any of the other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any such application that is filed will be considered on its merit. The land will not be subject to occupancy or disposition until it has been classified.

Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior, valid, existing and maintained settlement rights; preference rights conferred by existing laws; or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support thereof. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., March 28, 1960, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour and date will be governed by the time of filing.

All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60-1053; Filed, Feb. 2, 1960; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 25, 1960.

The Department of Defense has filed an application, Serial Number Los Angeles 0121038, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights. The applicant desires the land for training United States Air Force personnel in Air-to-Ground rocketry and bombing practice.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned

officer of the Bureau of Land Management, Department of the Interior, Bartlett Building, 215 West 7th Street, Los Angeles 14, California. All submittals should be in triplicate.

The proposed withdrawal and reservation is subject to the terms and conditions of the Act of February 28, 1958 (72 Stat. 27). This law prohibits withdrawals and reservations of this type except by Act of Congress. Any comments, suggestions, or objections submitted as a result of this notice will be made part of the record and will be forwarded to the Department of Defense for information and to the Congress for its use during consideration of any legislation which may be introduced to effect the proposed withdrawal or reservation.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 30 S., R. 43 E.
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 17, All;
Sec. 18, All;
Sec. 19, All;
Sec. 20, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All, except S½ of Lot 2 of the SW¼;
Sec. 32, All.

The above described area contains approximately 7,545 acres of public domain land. The lands are located near Cuddeback Lake, in the northwestern part of San Bernardino County, California.

MALCOLM O. ALLEN,
Manager.

[F.R. Doc. 60-1068; Filed, Feb. 2, 1960; 8:47 a.m.]

Bureau of Mines

[Bureau of Mines Manual, Release 7]

CERTAIN OFFICIALS

Redelegations of Authority To Execute Contracts

.1 *Redelegations of authority to execute contracts.* In accordance with the requirements prescribed in paragraph M205.2.4, Bureau of Mines Manual, the following officials are authorized to execute contracts for supplies, equipment, and services not to exceed $10,000 for any one contract:

Chief, Division of Administration.
Chief, Division of Mineral Resources.
Chief, Seattle Coal Research Laboratory.
Chief, Spokane Office of Mining Research.
Research Director.

.2 *Further redelegations.* The officials listed above may redelegate this authority to the next level of supervision under their jurisdiction.

In accordance with paragraph .2 above, the following authorities have been redelegated to officials in Region I:

	Fiscal limitation in any one contract
Property Management Officer	$10,000
Chief, Alaska Office of Mineral Resources	10,000
Chief, Albany Office of Mineral Resources	5,000
Chief, Spokane Office of Mineral Resources	5,000
Project Coordinators, Seattle Coal Research Lab	2,500
Project Coordinators, Spokane Office of Mining Research	2,500
Project Leaders, Spokane Office of Mining Research	500
Project Coordinators, Alaska Office of Mineral Resources	2,500
Project Leader (Laboratory), Alaska Office of Mineral Resources	500
Administrative Assistant, Alaska Office of Mineral Resources	2,500
Project Coordinators, Spokane Office of Mineral Resources	2,500
Project Leaders, Spokane Office of Mineral Resources	500
Project Leaders, Nonmetallics Laboratory	500
Project Leaders, Seattle Coal Research Laboratory	500
Project Leaders, Alaska Office of Mineral Resources	500
Project Leaders, Alaska Office of Mineral Resources	500

MARK L. WRIGHT,
Regional Director, Region I.

[F.R. Doc. 60-1054; Filed, Feb. 2, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-104]

MOORE-McCORMACK LINES, INC.

Notice of Cancellation of Application and of Hearing

Notice is hereby given that the hearing scheduled to be held on February 3, 1960, in the above-cited matter, as contained in notice appearing in the FEDERAL REGISTER issue of January 27, 1960 (25 F.R. 689), has been canceled.

Dated: February 1, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-1132; Filed, Feb. 2, 1960; 8:51 a.m.]

Federal Maritime Board

KAWASAKI KISEN KAISHA, LTD., AND KERR STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8444, between Kawasaki Kisen Kaisha, Ltd., and Kerr Steamship Company, Inc., covers the establishment of a joint cargo service, with limited passenger accommodations, under the trade name Kawasaki-Africa Line in the trade from U.S. Pacific Coast ports to ports in South and East Africa, and under the trade name Africa-Pacific Line in the trade from ports in South and East Africa to U.S. Pacific Coast ports.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 1, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-1137; Filed, Feb. 2, 1960; 8:58 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Regional Property Coordinators

Section 2-249.20 of Part 2 of the Statement of Organization and Delegations of Authority is hereby amended by adding at the end thereof a new paragraph (f) as follows:

(f) Each Regional Property Coordinator, with respect to the States within the jurisdiction of his region, is authorized, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

Dated: January 27, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-1072; Filed, Feb. 2, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 9 set forth below to License No. CX-6 authorizing Westinghouse Electric Corporation to perform an experiment supplementary to those described as the "Belgian Reactor-3 (BR-3) Proof Test Critical Experiments" and authorized by Amendment No. 8 to License No. CX-6. The experiment authorized by Amendment No. 9 will be

performed in the Westinghouse Reactor Evaluation Center CRX facility located near Waltz Mill, in Westmoreland County, Pennsylvania, in accordance with procedures described in application for license amendment dated January 13, 1960. The Commission has found that conduct of the experiment in accordance with the terms and conditions of the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiment would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see (a) the application for license amendment by Westinghouse Electric Corporation, and (b) a hazards analysis of the proposed experiment prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of January 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. CX-6; Amdt. 9]

In addition to the activities previously authorized by the Commission under License No. CX-6, as amended, the Westinghouse Electric Corporation (hereinafter referred to as the "licensee") is authorized to perform the Belgian Reactor-3 (BR-3) Proof Test Critical Experiment described in its application for amendment dated January 13, 1960, in the Westinghouse Reactor Evaluation Center CRX facility in accordance with the procedures and subject to the limitations stated or incorporated herein.

In performing these experiments the licensee shall comply with the conditions and requirements contained in paragraph 4. of License No. CX-6, as amended.

This amendment is effective as of the date of issuance.

Date of issuance: January 27, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-1056; Filed, Feb. 2, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10900 etc.; Order No. E-14875]

ALLEGHENY AIRLINES, INC.

Order of Suspension

JANUARY 29, 1960.

In the matter of Allegheny Airlines, Inc., proposed "Book-Ticket Fare" and "No-Reservation Fare", Dockets 10900, 11045, and 11089.

Allegheny Airlines, Inc. (Allegheny) by a tariff revision filed January 12, 1960,[1] to become effective February 11, 1960, proposes to revise its "Book-Ticket" fare tariff to provide that "each ticket coupon will be honored for passage of the person by whom presented." The presently effective tariff provides that the reduced fare "applies only to the passenger who purchases a book containing ten (10) one-way ticket coupons for transportation, * * *" The effect of the proposed revision will be to make the book-ticket coupons transferable.

Trans World Airlines, Inc. (Trans World), in Docket 11089, has complained[2] against the proposed revision and requests that it be investigated and suspended. There is now pending in Docket 10900 an investigation of Allegheny's reduced "Book-Ticket" fare tariff, including subsequent revisions and reissues thereof. Since the instant tariff proposal is encompassed in the investigation pending in Docket 10900, Trans World's request for investigation will be dismissed as unnecessary.

Insofar as Trans World's complaint in Docket 11089 requests suspension of the proposed revision, it is herein granted. In our earlier orders we found that the tariff may be unlawful but that the probability of unlawfulness was not great enough to warrant suspension. The original tariff was subject to the restriction that the book-tickets are not transferable. The condition that the purchaser must make a given number of trips during a limited period of time is a significant feature of the "Book-Ticket Fare." Unlimited transferability, however, negates this significant condition, and may result in an unjust discrimination between regular passengers and the book-ticket passengers, or in according the book-ticket passengers an undue preference or advantage over passengers who buy a single ticket at the regular fare. For these reasons Allegheny's proposed revisions are herein suspended.

While adhering to its position that Allegheny's tariff proposal is unlawful, Trans World has filed similar tariff proposals for competitive purposes in tariff C.A.B. 38. By Order E-14602 dated November 2, 1959, the Board ordered an investigation of the fares and provisions of such tariff, including subsequent revisions and reissues thereof, and consolidated that proceeding with the investigation ordered in Docket 10900. Trans World, by tariff filing January 14, 1960, has similarly proposed to amend its "Book-Ticket" tariff so as to permit transferability. We find that the facts and circumstances surrounding Trans World's propqsed revision are substantially similar to the facts and circumstances surrounding Allegheny's proposal. Although it will be unnecessary to order investigation of Trans World's proposal, since it is now under investigation, we find that it should be suspended for the same reasons adduced to suspend Allegheny's proposed revision.

United Air Lines, Inc. (United), by petition filed December 18, 1959, has petitioned for leave to intervene and become a party in Docket 10900, alleging, inter alia, that it engages in scheduled air transportation between Pittsburgh and Philadelphia, Pennsylvania, that it has a property and financial interest which approval of the reduced fare tariffs would affect, and that it believes its interest will not be adequately represented by existing parties. The Board finds that United's petition for leave to intervene should be granted.

Accordingly, pursuant to sections 204 (a), 403, 404, and 1002 of the Federal Aviation Act of 1958: *It is ordered*, That:

1. Pending the investigation previously ordered and hearing and decision by the Board, Rule No. 2 appearing on 4th Revised Page 3 of Allegheny Airlines, Inc., C.A.B. No. 10 and Rule No. 2 appearing on 2d Revised Page 2 of Trans World Airlines, Inc., C.A.B. No. 38 are suspended and their use deferred to and including May 10, 1960, unless otherwise ordered by the Board, and no changes whatsoever be made therein during the period of suspension except by order or special permission of the Board.

2. The complaint of Trans World Airlines, Inc., in Docket 11089 be consolidated into the proceeding in Docket 10900.

3. The complaint of Trans World Airlines, Inc., in Docket 11045 is dismissed, and also in Docket 11089 to the extent investigation is requested therein.

4. The petition of United Air Lines, Inc., for leave to intervene and become a party in Docket 10900 is granted.

5. Copies of this order shall be served upon Allegheny Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. A copy shall also be inserted in the tariffs suspended herein, and published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60-1083; Filed, Feb. 2, 1960; 8:48 a.m.]

[1] Local Commuter Passenger Tariff CS-1, C.A.B. 10, 4th Revised Page 3. This proposed tariff revision was previously filed by Allegheny on two separate occasions, but each revision was rejected as inconsistent with the Board's tariff filing rules, 14 CFR Part 221.

[2] Trans World, in Docket 11045, complained against a similar proposed tariff revision of Allegheny, which tariff filing was also rejected. Trans World's complaint in Docket 11045 will therefore be dismissed as moot, and its complaint in Docket 11089 is here considered on its merits.

[Docket 9647]

TRANSPORTES AEREOS NACIONALES, S. A.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on February 24, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 29, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60–1085; Filed, Feb. 2, 1960; 8:49 a.m.]

[Docket 9315 etc.]

AMERICAN EXPRESS CO.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on February 16, 1960, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 29, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60–1084; Filed, Feb. 2, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13381; FCC 60–72]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 13381; regulations and charges for components of a distinctive tone and circuit assurance arrangement.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of January 1960;

The Commission having under consideration certain new tariff schedules filed by American Telephone and Telegraph Company on behalf of the California Water and Telephone Company, a connecting carrier, under transmittal number 6142, to become effective January 28, 1960, and establishing regulations and charges for components of a distinctive tone and circuit assurance arrangement, which tariff schedules are enumerated in Appendix A, below.

It appearing that the Commission is unable to determine that the regulations and charges contained in the above-mentioned new tariff schedules are or will be just and reasonable or otherwise lawful under the provisions of sections 201(b) or 202(a) of the Communications Act of 1934, as amended;

It further appearing that no rights and interests of the public will be substantially affected if the schedules are permitted to become effective on the date scheduled, since there is only one customer who would be affected by such schedules, and such customer has a remedy by way of complaint for damages pursuant to section 208 of the Communications Act of 1934, as amended, in the event the tariff schedules are determined to be unjust, unreasonable or otherwise unlawful;

It is ordered, That, pursuant to the provisions of sections 201, 202, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned new tariff schedules;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be hereafter followed with respect to the service governed by the aforementioned tariff schedules and, if so, what classifications, regulations, and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be hereafter specified and that the examiner hereafter to be designated to preside at such hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or Recommended Decision;

It is further ordered, That the American Telephone and Telegraph Company and all carriers listed in the above-mentioned tariff schedules as concurring and connecting carriers are hereby made parties respondent in the proceedings herein.

Released: January 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

APPENDIX A

American Telephone and Telegraph Company
Tariff F.C.C. No. 135

3d Revised Page 29I
Original Page 29J

[F.R. Doc. 60–1096; Filed, Feb. 2, 1960; 8:50 a.m.]

[Docket Nos. 13363–13366; FCC 60M–200]

CECIL W. ROBERTS ET AL.

Order Scheduling Prehearing Conference

In re applications of Cecil W. Roberts and Jane A. Roberts, his wife, Poplar Bluff, Missouri, Docket No. 13363, File No. BP–11881; Don M. Lidenton, Poplar Bluff, Missouri, Docket No. 13364, File No. BP–11958; Phoenix Company, Inc., (KAAB), Hot Springs, Arkansas, Docket No. 13365, File No. BP–12710; White River Valley Broadcasters, Incorporated (KBTA), Batesville, Arkansas, Docket No. 13366, File No. BP–13037; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 27th day of January 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., February 26, 1960.

Released: January 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60–1097; Filed, Feb. 2, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI60–65—RI60–72]

EDWIN L. COX ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rate Schedules [1]

JANUARY 27, 1960.

In the matters of Edwin L. Cox, Docket No. RI60–65; B. M. Britain, et al., Docket No. RI–60–66; Columbian Fuel Corporation, Docket No. RI60–67; Coltexo Corporation, Docket No. RI60–68; J. M. Huber Corporation, Docket No. RI60–69; Tidewater Oil Company (Operator), et al., Docket No. RI60–70; Tidewater Oil Company, Docket No. RI60–71; Getty Oil Company, Docket No. RI60–72.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate Schedule No.	Supp. No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [2]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate [3]	Rate in effect subject to refund in Docket Nos.
RI60-65	Edwin L. Cox	13	6	Natural Gas Pipe Line Co. of America (Camrick Southeast Field, Beaver County, Okla.).	12-22-59	12-28-59	1-28-60	6-28-60	16.6	16.8	G-17421
RI60-65	do	17	6	Natural Gas Pipe Line Co. of America (Hood and Davis "O" Units, Texas County, Okla.).	12-22-59	12-28-59	1-28-60	6-28-60	16.6	16.8	G-17421
RI60-65	do	25	2	Natural Gas Pipe Line Co. of America (Harry Brown Gas Unit, Texas County, Okla.).	12-22-59	12-28-59	1-28-60	6-28-60	16.6	16.8	----------
RI60-66	B. M. Britain, et al	1	6	Panhandle Eastern Pipe Line Co. (W. Panhandle Field, Moore and Potter Counties, Tex.).	12-23-59	12-28-59	2- 1-60	7- 1-60	8.3028	11.7518	----------
RI60-67	Columbian Fuel Corp	1	6	Panhandle Eastern Pipe Line Co. (Keyes Field, Cimarron and Beaver Counties, Okla.).	12-28-59	12-31-59	2- 1-60	7- 1-60	15.0	16.0	----------
RI60-67	do	2	11	Panhandle Eastern Pipe Line Co. (Meade, Morton, and Seward Counties, Kans.).	12-29-59	12-31-59	2- 1-60	7- 1-60	15.0	16.0	----------
RI60-68	Coltexo Corp	2	5	Panhandle Eastern Pipe-Line Co. (Cimarron and Beaver Counties, Okla.).	12-29-59	12-31-59	2- 1-60	7- 1-60	15.0	16.0	----------
RI60-69	J. M. Huber Corp	40	2	Cities Service Gas Co. (Alfalfa County, Okla.).	Not dated.	12-31-59	1-31-60	7-31-60	12.0	13.0	----------
RI60-70	Tidewater Oil Co. (Operator), et al.	38	10	El Paso Natural Gas Co. (Langmat (King) Field, Lea County, N.Mex.).	12-28-59	12-29-59	1-29-60	7-29-60	13.34945	15.07036	G-16260
RI60-70	do	43	13	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.).	12-28-59	12-29-59	1-29-60	7-29-60	13.34945	15.07036	G-16260
RI60-70	do	17	11	El Paso Natural Gas Co. (Spraberry Trend Field, Glasscock, Midland, Upton and Reagan Counties, Tex.).	12-28-59	12-29-59	1-29-60	7-29-60	14.11781	15.93778	G-16259
RI60-71	Tidewater Oil Co	39	11	El Paso Natural Gas Co. (Langmat (Christmas) Field, Lea County, N. Mex.).	12-28-59	12-29-59	1-29-60	7-29-60	13.34945	15.07036	G-16260
RI60-71	do	50	9	El Paso Natural Gas Co. (Headlee Field, Ector and Midland Counties, Tex.).	12-28-59	12-29-59	1-29-60	7-29-60	14.05069	15.862	G-16259
RI60-71	do	4	7	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.).	12-28-59	12-29-59	1-29-60	7-29-60	14.07796	15.89278	G-16259
RI60-72	Getty Oil Co	1	6	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.).	12-28-59	12-29-59	1-29-60	7-29-60	14.07796	15.89278	G-16533

[2] The stated effective dates are those requested by Respondents, or the first day after expiration of statutory notice, whichever is later.
[3] The pressure base is 14.65 psia.

Edwin L. Cox proposes three periodic rate increases for gas sales to Natural Gas Pipe Line Company of America under contracts postdating June 7, 1954. The increases are requested to be effective as of January 23, 1960.

Cox states in support that the proposed rates represent a modest increase determined from a fixed schedule of increases which were included as part of a contract negotiated at arm's-length and which induced seller to commit the gas reserves for a long term.

In support of its increase Britain submits copies of the Railroad Commission order issued November 16, 1959, which determines the weighted average price for such gas to be 11.7518 cents per Mcf. Additionally, Britain states that the contract was negotiated at arm's-length; the increased rate is necessary to enable sellers to make a fair profit on their investment; and such rate is below the level of prices in contracts negotiated for gas in the same area.

The contracts of Columbian Fuel Corporation and Coltexo Corporation provide that the price during the five-year period commencing January 1, 1960, shall be negotiated by the parties at the current market value of gas in the area, but in no event shall the negotiated price be less than 16 cents per Mcf. Columbian Fuel and Coltexo submit supplemental agreements dated December 1, 1959, wherein buyer and seller agree to the 16.0 cents per Mcf rate. In support, they state that the agreed-upon price is the result of arm's-length negotiations and represents a fair appraisal of the current market value of gas in the area.

Huber states in support of its increase that the proposed rate is an indivisible part of the original contract consideration; the rate is just and reasonable; the contract of sale was negotiated at arm's-length; and the proposed rate is not out of line compared to other prices for gas in the area.

Tidewater Oil Company and Getty Oil Company have submitted for filing proposed favored-nation rate increases for gas sales to El Paso Natural Gas Company proposed to become effective on January 29, 1960.

In support of the increases applicants cite the contract favored-nation provisions and the suspended triggering rates of Phillips, and state that such provisions were arrived at by bargaining at arm's-length and constitute an integral part of the consideration upon which the contracts were based. Applicants also state that in view of the 20-year commitment of the gas reserves the pricing provisions were included to insure sellers receipt of the commodity value of the gas and protection against discrimination and the increased prices are fair, just and reasonable.

The Commission finds:

(1) The rates and charges contained in the above-designated supplements may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the rates and charges contained in the aforesaid supplements; and that such supplements be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column, plus footnote thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioners Kline and Hussey dissenting as to the suspension of the filings in Docket No. RI60-65. Commissioner Kline also dissenting as to the suspension of the filing in Docket No. RI60-69).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1049; Filed, Feb. 2, 1960; 8:46 a.m.]

[RI60-62—RI60-64]

EL PASO NATURAL GAS PRODUCTS CO. ET AL.

Order for Hearings, Suspending Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Upon Filing of Motions To Assure Refund of Excess Charges

JANUARY 27, 1960.

In the matters of El Paso Natural Gas Products Co., Docket No. RI60-62; C. L. McMahon, Inc., Docket No. RI60-63; Big Six Drilling Company, et al., Docket No. RI60-64.

On December 28, 1959, El Paso Natural Gas Products Company (El Paso), C. L. McMahon, Inc. (McMahon), and Big Six Drilling Company, et al. (Big Six), tendered for filing proposed changes in their presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes were designated Supplement No. 8 to El Paso's FPC Gas Rate Schedule No. 10, Supplement No. 3 to McMahon's FPC Gas Rate Schedule No. 3, and Supplement No. 3 to Big Six's FPC Gas Rate Schedule No. 2. El Paso's Notice of Change, dated December 17, 1959 and McMahon's Notice of Change, which was undated, reflect increases of 1.4918 cents per Mcf from a rate of 5.5 cents to 6.9918 cents, to West Lake Natural Gasoline Company (West Lake) in the producing area of Nena Lucia Field, Nolan County, Texas. Big Six's Notice of Change dated December 22, 1959, reflects an increase of 4.30513 cents per Mcf from a rate of 8.0768 cents to 12.38195 cents to Coastal States Gas Producing Company (Coastal), in the producing area of Cologne Field, Victoria County, Texas.

El Paso and McMahon each submit an October 20, 1959, letter wherein West Lake agrees to pay 50 percent of the increased rate for gas processed from its gasoline plant which rate is presently suspended until January 22, 1960, in Docket No. G-19156. El Paso and McMahon seek an effective date of January 22, 1960, for their share of the increased return.

The contract of sale between Big Six and Coastal provides for a base rate of 8.0 cents per Mcf with the proviso that in the event that Coastal receives a rate increase under its contract with Tennessee Gas Transmission Company, the entire increase shall be paid to Big Six. A periodic rate increase from 10.81 cents to 10.88 cents per Mcf was accepted for filing under Coastal's FPC Gas Rate Schedule No. 26. A subsequent redetermined rate increase under the same schedule, from 10.88 cents to 15.11 cents per Mcf was suspended in Docket No. G-19653. Bix Six now seeks the entire increase in Coastal's rate or 4.3 cents per Mcf. In support of this proposed change, Big Six states that the pricing provisions of the contract are in the public interest since they permit a lower initial price than the contemplated average price for the life of the contract, and because the seller is able to receive progressively higher rates to offset increasing costs, and because the long-term dedication of gas reserves is made possible. An effective date of March 17, 1960 is requested.

The Commission finds:

The rates, charges, classifications, and services contained in Supplement No. 8 to El Paso's FPC Gas Rate Schedule No. 10, Supplement No. 3 to McMahon's FPC Gas Rate Schedule No. 3, and Supplement No. 3 to Big Six's FPC Gas Rate Schedule No. 2, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the rates, charges, classifications and services contained in the aforesaid rate schedules and rate supplements; and that such rate schedules be suspended and the use thereof deferred as hereinafter provided, and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulation under the Natural Gas Act (18 CFR Ch. I), public hearings will be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon each of the aforementioned supplements are supended and the use thereof deferred until January 29, 1960 in the case of El Paso and McMahon, and until March 18, 1960 in the case of Big Six and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The rates, charges, and classifications set forth in the aforementioned supplements to Respondents' FPC Gas Rate Schedules shall be effective as specified in Paragraph (B) above: *Provided, however,* That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the Agreement and Undertaking described in Paragraph (E) below.

(D) Respondents shall refund at such time and in such amounts to the person entitled thereto, and in such manner as may be required by final order of the Commission, the portions of the increased rates and charges found by the Commission in these proceedings not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Respondents until refunded, shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondents so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written Agreement and Undertaking to comply with the terms of Paragraph (D) hereof, signed by a responsible officer of the Corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ----------
To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket Nos. RI60-62, RI60-63 and RI60-64 ---------- hereby agrees and undertakes to comply with the terms and conditions of Paragraph (D) of said order, and has caused this Agreement and Undertaking to be executed and sealed in its name by the officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------.

By ----------

Attest:

Unless Respondents are advised to the contrary within 15 days after the date of filing such Agreements and Undertakings, their Agreements and Undertakings shall be deemed to have been accepted.

(F) If Respondents in conformity with the terms and conditions of this order, make such refunds as may be required by order of the Commission, their Undertakings shall be discharged; otherwise they shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (1.8 CFR and 1.37(f)).

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1050; Filed, Feb. 2, 1960; 8:46 a.m.]

[Docket Nos. RI60-32—RI60-46]

HONOLULU OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

JANUARY 20, 1960.

In the matters of Honolulu Oil Corporation, Docket No. RI60-32; A. H. Meadows, Docket No. RI60-33; Pecos Company, Docket No. RI60-34; Pecos Company (Operator), Docket No. RI60-35; Jocelyn-Varn Oil Company (Operator), et al., Docket No. RI60-36; W. P. Luse, et al., Docket No. RI60-37; E. E. Reigle, d/b/a Richmond Drilling Company, Docket No. RI60-38; Two States Oil Company, Docket No. RI60-39; Schermerhorn Oil Corporation, et al., Docket No. RI60-40; Schermerhorn Oil Corporation, Docket No. RI60-41; Monterey Oil Company, Docket No. RI60-42; S. T. Constantine, Docket No. RI60-43; Leonard Oil Company, Docket No. RI 60-44; Western Natural Gas Company, et al., Docket No. RI60-45; Socony Mobil Oil Company, Inc., Docket No. RI60-46.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas to El Paso Natural Gas Company subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Producing area	Notice of change dated—	Date tendered	Effective date unless suspended [2]	Rate suspended until—	Cents per Mcf [3]	
									Rate in effect	Proposed increased rate
RI60-32	Honolulu Oil Corp.	1	6	Slaughter Plant, Hockley County, Tex.	12-23-59	12-28-59	[4] 1-28-60	6-28-60	11.0574	17.0979
RI60-32	do	4	6	Spraberry Field, Reagan County, Tex.	12-23-59	12-28-59	[4] 1-28-60	6-28-60	[5] 11.1056	17.2295
RI60-32	do	5	3	South Andrews Field, Andrews County, Tex.	12-23-59	12-28-59	[4] 1-28-60	6-28-60	8.108	13.68225
RI60-33	A. H. Meadows	1	1	Sweetie Peck Field, Midland County, Tex.	12-17-59	12-28-59	1-28-60	6-28-60	[6] 10.0	[6] 17.1843
RI60-34	Pecos Co.	1	6	Benedum Field Plant, Upton County, Tex.	12-21-59	12-23-59	1-23-60	6-23-60	[7] 11.0624	17.103
RI60-35	Pecos Co. (Operator)	2	7	Tex-Harvey Plant, Midland County, Tex.	12-21-59	12-23-59	1-23-60	6-23-60	9.0753	14.6697
RI60-34	Pecos Co.	3	7	Santa Rosa Plant, Pecos County, Tex.	12-21-59	12-23-59	1-23-60	6-23-60	[7] 11.0579	17.0962
RI60-36	Jocelyn-Varn Oil Co. (Operator), et al.	1	1	Sutton County, Tex.	12-18-59	12-22-59	1-22-60	6-22-60	[8] 10.5	[8] 15.5
RI60-37	W. P. Luse, et al.	1	6	Payton Field, Pecos and Ward Counties, Tex.	12-21-59	12-22-59	1-22-60	6-22-60	[9] 11.1056	15.6488
RI60-38	E. E. Reigle, d/b/a Richmond Drilling Co.	2	4	Spraberry Field, Glasscock County, Tex.	Undated	12-22-59	1-22-60	6-22-60	[10] 11.0	[10] 17.0
RI60-39	Two States Oil Co.	1	1	Eumont Field, Lea County, N. Mex.	12-18-59	12-21-59	2- 1-60	7- 1-60	9.5	15.5
RI60-40	Schermerhorn Oil Corp., et al.	1	5	do	Undated	12-28-59	1-28-60	6-28-60	[8] 10.5	[8] 15.5
RI60-40	do	2	2	do	do	12-28-59	1-28-60	6-28-60	[8] 10.5	[8] 15.5
RI60-41	do	11	3	Jalmat Field, Lea County, N. Mex.	do	12-29-59	1-28-60	6-28-60	10.5	[8] 15.5
RI60-42	Monterey Oil Co.	7	2	Pecos Valley Field, Pecos County, Tex.	12-21-59	12-24-59	1-24-60	6-24-60	[11] 10.5	15.7092
RI60-43	S. T. Constantine	1	1	Noelke Field, Crockett County, Tex.	12-23-59	12-28-59	[4] 1-28-60	6-28-60	9.5	14.69578
RI60-44	Leonard Oil Co.	1	5	Lea County, N. Mex.	12-21-59	12-28-59	1-28-60	6-28-60	9.5	[8] 15.5
RI60-45	Western Natural Gas Co., et al.	3	5	Lea County, N. Mex.	Undated	12-28-59	1-28-60	6-28-60	[12] 13.34795	[8] 15.5
RI60-46	Socony Mobil Oil Co., Inc.	208	5	Cooper Jal Field, Lea County, N. Mex.	9-18-59	12-21-59	[4] 1-21-60	6-21-60	[8] 10.5	[8] 15.55987
RI60-46	do	209	2	do	12-18-59	12-21-59	[4] 1-21-60	6-21-60	[8] 10.5	[8] 15.55987
RI60-46	do	210	2	do	12-18-59	12-21-59	[4] 1-21-60	6-21-60	[8] 10.5	[8] 15.55987
RI60-46	do	211	7	do	12-18-59	12-21-59	[4] 1-21-60	6-21-60	[8] 10.5	[8] 15.55987

[2] The stated effective dates are those requested by Respondents or the first day after expiration of the required thirty days notice, whichever is later.
[3] Pressure base is 14.65 psia.
[4] Respondent requested waiver of thirty-day notice period.
[5] Rate in effect subject to refund in Docket No. G-14757.
[6] Subject to 3.3499 cents reduction in base price for gathering, compressing, treating and dehydrating.
[7] Rate in effect subject to refund in Docket No. G-14099.
[8] Subject to 0.4467 cent per Mcf reduction by buyer for low pressure gas.
[9] Rate in effect subject to refund in Docket No. G-14574.
[10] Subject to 1.0 cent per Mcf deduction by buyer for removal of hydrogen sulphide.
[11] Rate in effect subject to refund in Docket No. G-14014.
[12] Rate in effect subject to refund in Docket No. G-19252 and subject to the suspension proceeding in Docket No. G-14013.

In support of the proposed renegotiated increased rates, Respondents cite benefits in eliminating the favored-nation provisions and extending the contract term for twenty years. Respondents further cite a need for increased revenues to meet increasing production, drilling and exploration costs and to furnish incentive for further exploration and drilling. Respondents also state that the increased rates are in line with current natural gas prices in the area.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-1051; Filed, Feb. 2, 1960; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[Docket No. G-10559, etc.]

JAMES D. MADOLE ET AL.

Notice of Application and Date of Hearing

JANUARY 27, 1960.

In the Matters of James D. Madole, et al.,[1] Docket No. G-10559; The FO Corporation,[2] Docket No. G-14968; Humble Oil & Refining Company, Docket No. G-15254; Francis A. Callery, et al.,[3] Docket No. G-15404; The Atlantic Refining Company,[4] Docket No. G-15541; Tidewater Oil Company,[5] Docket No. G-15707; Mrs. Virginia Abney Whelan,[5] Docket No. G-15778; Butler-Johnson, Inc., Operator,[5] Docket No. G-15883; Southwest Exploration Company, Operator, et al.,[7] Docket No. G-15885; Shell Oil Company, Docket No. G-15886; Nabob Production Company, et al.,[8] Docket No. G-15891; Skelly Oil Company, Docket No. G-15892; The British-American Oil Producing Company, Operator,[9] Docket No. G-15894; The Pure Oil Company, Docket No. G-16281; Texaco Inc., (formerly The Texas Company), Operator,[10] Docket No. G-16287; Pan American Petroleum Corporation,[11] Docket No. G-16294; Champlin Oil & Refining Company,[12] Docket No. G-16299; Allen & Martin Gas Company, G-16304;

See footnotes at end of document.

R. J. Braden, et al.,[12] Docket No. G–16345; St. Clair Oil Company, Docket No. G–16346; Jules G. Franks, et al.,[14] Docket No. G–16348; St. Clair Oil Company, Docket No. G–16349; Jake L. Hamon,[15] Docket No. G–16357; Mercury Drilling Company, Docket No. G–16394; The Oil Capitol Corporation, Docket No. G–16525; Riddell Petroleum Corporation,[40] Docket No. G–16579; The Bradley Producing Corporation,[41] Docket No. G–16735; Yingling Oil, Inc.,[16] Docket No. G–16753; Pan American Petroleum Corporation,[42] Docket No. G–16759; M. F. Powers, Docket No. G–16787; State Fuel Supply Company, Docket No. G–16853; The Superior Oil Company,[17] Docket No. G–16878; Radcliffe Killam, Docket No. G–16979; B. W. Vinson, Docket No. G–16981; Calvert Drilling, Inc., Docket No. G–16995; Republic Natural Gas Company, Operator,[18] Docket No. G–17047; Roland S. Bond, Docket No. G–17090; Apache Production Corporation,[19] Docket No. G–17209; Fairman Drilling Company, et al.,[20] Docket No. G–17551; Smith Development Company, et al.,[21] Docket No. G–17834; Ethel W. Bird and Charles Allen Bird,[22] Docket No. G–17865; Midwest Oil Corporation, Operator, et al.,[23] Docket No. G–17887; L. R. French, Jr., Operator,[24] Docket No. G–17895; Claud E. Aikman,[25] Docket No. G–18031; Kewanee Oil Company, Docket No. G–18042; Sohio Petroleum Company,[26] Docket No. G–18043; John J. Pichinson, Operator,[27] Docket No. G–18079; M–L–T Oil Company, Operator,[28] Docket No. G–18120; Texas Crude Oil Company, Operator,[29] Docket No. G–18125; Vem Oil Inc., formerly Vem Oil Company,[30] Docket No. G–18130; James A. Hughes, et al.,[31] Docket No. G–18177; L. C. Smitherman, Operator,[32] Docket No. G–18178; J. A. Chapman,[33] Docket No. G–18226; Sinclair Oil & Gas Company,[34] Docket No. G–18286; David Crow, et al.,[35] Docket No. G–18331; Wheless Drilling Company, et al.,[36] Docket No. G–18335; T. L. Roach, et al., d/b/a T. L. Roach & Son,[37] Docket No. G–18390; J. R. Frankel, Docket No. G–18391; The British-American Oil Producing Company, Docket No. G–18437; Tennessee Gas Transmission Company, Docket No. G–19084; Lario Oil & Gas Company,[38] Docket No. G–19239; Geode Petroleum Inc., Operator, et al.,[39] Docket No. G–19298.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

See footnotes at end of document.

Docket No.; Field and Location; and Purchaser
G–10559; Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Miss.; United Gas Pipe Line Co.
G–14968; North Elton Field, Allen Parish, La.; Texas Gas Transmission Corp.
G–15254; Ramirena Southwest Field, Live Oak County, Tex.; Texas Illinois Natural Gas Pipeline Co., now Peoples Gulf Coast Natural Gas Pipeline Co.
G–15404; Bay Coquille Field, Plaquemines Parish, La.; Southern Natural Gas Co.
G–15541; Terryville Field, Lincoln Parish, La.; Texas Gas Transmission Corp.
G–15707; Second Bayou Field, Cameron Parish, La.; American Louisiana Pipe Line Co.
G–15778; Waskom-Greenwood Field, Caddo Parish, La.; Arkansas Louisiana Gas Co.
G–15883; Sibley Field, Webster Parish, La.; United Gas Pipe Line Co.
G–15885; Hugoton Field, Finney County, Kans.; Northern Natural Gas Co.
G–15886; East Cameron Field, Starr County, Tex.; Tennessee Gas Transmission Co.
G–15891; Quindouno Field, Roberts County, Tex.; Natural Gas Pipeline Co. of America.
G–15892; Northwest Carthage Field, Panola County, Tex.; Texas Gas Transmission Corp.
G–15894; Armstrong Area, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.
G–16281; South Rhodes Field, Barber County, Kans.; Cities Service Gas Co.
G–16287; Panhandle Field, Wheeler, Collingsworth and Gray Counties, Tex.; El Paso Natural Gas Co.
G–16294; Gate Lake Field, Harper County, Okla.; Northern Natural Gas Co.
G–16299; Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.
G–16304; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.
G–16345; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.
G–16346; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.
G–16348; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.
G–16349; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.
G–16357; Northwest Dower Field, Beaver County, Okla.; Northern Natural Gas Co.
G–16394; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16525; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16579; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16735; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16753; Laverne Field, Harper and Beaver Counties, Okla.; Michigan Wisconsin Pipe Line Co.
G–16759; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16787; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16853; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16878; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16979; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16981; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–16995; Laverne Field, Harper and Beaver Counties, Okla.; Michigan Wisconsin Pipe Line Co.
G–17047; Laverne Field, Beaver County, Okla.; Michigan Wisconsin Pipe Line Co.
G–17090; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G–17209; Spearman North Field, Hansford County, Tex.; Northern Natural Gas Co.
G–17551; Lutherburg-Deemer Field, Clearfield County, Pa.; The Sylvania Corp.
G–17834; Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.
G–17865; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.
G–17887; Branch Field, Acadia Parish, La.; United Fuel Gas Co.
G–17895; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.
G–18031; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.
G–18042; Willowdale Area, Grant District, Jackson County, W. Va; Gas Transports, Inc.
G–18043; Timbalier Bay Area, Lafourche Parish, La.; Tennessee Gas Transmission Co.
G–18079; Tsesmelis Field, Jim Wells County, Tex.; The Altex Corp.
G–18120; Spraberry Trend Area, Glasscock County, Tex.; El Paso Natural Gas Co.
G–18125; Howse Field, Lea County, N. Mex.; El Paso Natural Gas Co.
G–18130; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Co.
G–18177; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.
G–18178; Acreage in Edwards County, Kans.; Panhandle Eastern Pipe Line Co.
G–18226; Acreage in Grant County, Okla.; Consolidated Gas Utilities Corp.
G–18286; Good Omen Field, Smith County, Tex.; Lone Star Gas Co.
G–18331; Cotton Valley Field, Webster Parish, La.; United Gas Pipe Line Co.
G–18335; Simsboro Field, Lincoln Parish, La.; Arkansas Louisiana Gas Co.
G–18390; Texas Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.
G–18391; East Lake Palourde Field, Assumption Parish, La.; Texas Gas Transmission Corp.
G–18437; South Santa Rosa Field, Pecos County, Tex.; El Paso Natural Gas.
G–19084; Chiltipin Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.
G–19239; Greenwood, Katie and Mocane Fields, Morton County, Kans., Garwin and Beaver Counties, Okla., respectively; Colorado Interstate Gas Co. and Lone Star Gas Co.
G–19298; Chiltipin Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

The public convenience and necessity require that these matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 8, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1960. Failure of any party to

appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20 (b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[1] Madole, et al., state that pursuant to a plan of liquidation of Crow Drilling Company, Inc. (Crow), effective December 31, 1955, Madole et al., as the stockholders of Crow, acquired all of the interest in the producing properties involved herein, subject to the gas sales contract, dated June 21, 1954.

[2] By instrument of assignment dated April 1, 1958, General Minerals Corporation conveyed to FO its working interest in the properties which are the subject of the application in Docket No. G–14968.

[3] Francis A. Callery, nonoperator, is filing for himself and on behalf of 61 additional nonoperators, for authorization to sell gas produced from their combined working interests of 50 percent in the M.R.F.C., State Lease 2792 Well No. 1 and 16.66667 percent in the Gulf Oil Corp., State Lease 2792 Well No. 1. The 62 parties are listed in the application together with the percentages of working interest each holds in the two abovementioned wells. Francis A. Callery is a signatory seller party to the subject gas sales contract, and the remaining 61 parties are also signatory parties to the contract through the signature of Callery Properties, Inc., which organization owns no interest in the subject gas but holds the legal title to the interests of the 61 nonoperators.

[4] Application covers a ratification agreement dated June 11, 1958, of a basic gas sales contract dated November 23, 1956, as amended, between Texas Gas Transmission Corp., Buyer, and Southwest Gas Producing Company, Inc., et al., Sellers. Both Atlantic and Buyer are signatory parties to the subject ratification agreement.

[5] Amendment filed acknowledges Applicant's willingness to accept a conditioned certificate requiring refund to Buyer should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

[6] Butler-Johnson, Inc., Operator, is filing for itself and, as Operator, lists in the application, together with the percentage interest, the following nonoperators: Sam Sklar, Albert Sklar, Leonard W. Phillips, Sam Y. Dorfman, Louis Dorfman, Nemours Corp., and D. P. Hamilton. All are signatory seller parties to the subject gas sales contract.

[7] Southwestern Exploration Company, Operator, is filing for itself and on behalf of the following nonoperators: Derby Drilling Company; E. C. Mariarty; Betty Bloss Ralstin; George Manson; Lester Wilkonson; Ida E. Derby; Virginia Derby Howse; A. L. Derby, Jr., and Richard Harwood. All are signatory seller parties to the gas sales contract dated July 3, 1958.

[8] Nabob Production Company, E. J. McCartt, Jr., Robert S. McCartt and Morris B. McCartt are filing jointly to sell gas produced from the subject acreage. All are signatory seller parties to the gas sales contract dated May 20, 1958.

[9] The British-American Oil Producing Company, Operator, is filing for itself and, as Operator, lists in the application, together with the percentages of working interest of each, the following nonoperators: Paul F. Barnhart; Frontier Refining Company; McDannald Oil Company; Sterling Drilling Company; J. Ray McDermott & Co., Inc., and Fremont Petroleum Company. In addition, Operator lists Tennessee Gas Transmission Company (interest formerly owned by The Bay Petroleum Corporation) as a nonoperator owning 11 percent working interest in the subject acreage. It is noted that any authorization issued in the subject application does not extend to the interest of Tennessee, which company is required to file separately covering the sale of its share of the gas produced. British-American, Paul F. Barnhart, Frontier Refining Co., McDannald Oil Co., and Sterling Drilling Co., are signatory seller parties to the gas sales contract dated February 20, 1951, to which contract Colorado Interstate Gas Company was the buyer. Subsequently, Colorado Interstate transferred its interest in the contract to its wholly owned subsidiary, Natural Gas Producers, Inc., which company by assignment effective September 1, 1956, transferred its interest to Kansas-Nebraska Natural Gas Company, Inc. On February 22, 1957, the contract was amended to provide for the resale of the subject gas in interstate commerce.

[10] Texaco Inc., (formerly The Texas Company) is filing for authorization to sell natural gas produced from eighteen wells drilled upon 2,960 acres, in which wells Applicant owns 100 percent working interest. In addition, Applicant, Operator of the C. A. Whittles Unit, is filing for itself and as Operator lists in the related rate schedule filings the names, together with the percentage of interest of each, of the nonoperators. Applicant is also filing for its 50 and 37.5 percent working interests in the Guy Beasley and Cubine Units, respectively; El Paso Natural Gas Company, Operator and also the Purchaser, owns the remaining working interests in said units. Application also covers Applicant's 75 percent working interest in undeveloped portion of the D. C. Brown lease. Texaco Inc., is the only signatory seller party to the subject gas sales contract.

[11] Application covers a basic gas sales contract dated April 1, 1958, and amendatory agreement adding additional acreage thereto dated March 9, 1959. Applicant is the only signatory seller party to the basic contract and amendatory agreement. Amendment to application filed April 13, 1959, includes acreage dedicated under the aforesaid amendatory agreement.

[12] Champlin Oil & Refining Company, nonoperator, is filing for its 50 percent working interest in the subject acreage and is the only signatory seller party to the gas sales contract dated August 6, 1958.

[13] R. J. Braden, et al., Applicant, is a mining partnership consisting of R. J. Braden; V. N. Holderman; Emmet Cronin; G. M. Lindamood; H. B. Zinn; Edward Strimel; H. F. Johnston and H. H. Elder and H. G. Elder, d/b/a H. H. Elder & Son. All partners are signatory seller parties to the gas sales contract dated August 18, 1958.

[14] Jules G. Franks, et al., Applicant, is a partnership consisting of Jules G. Franks, William H. Busch; William H. Ellis; Ruth S. Franks; Samuel H. Corson; Esther W. Corson; Charles W. Diliberto; William H. Patten; Marie F. Patten; Mrs. Augusta Gertz; Stanley Gertz; William J. O'Hara; Madeline K. Stern and Howard E. Stern. All partners are signatory seller parties to the subject gas sales contract through the signatures of Jules G. Franks, who has signed the contract individually and as Attorney-in-Fact for the remaining partners.

[15] Application covers a ratification agreement dated September 5, 1958, of a basic gas sales contract dated September 17, 1957, between Sunray Mid-Continent Oil Company, seller, and Northern, buyer. Both Applicant and Northern are signatory parties to the subject ratification agreement.

[16] Amendment filed covers Applicant's 6.19853 percent nonoperating interest in the Mulberry Unit. Acreage attributable to said interest previously dedicated to the subject basic contract.

[17] Amendment filed October 2, 1959, adds additional acreage by an amendatory agreement dated August 31, 1959.

[18] Republic Natural Gas Company, Operator, is filing for itself and is the only signatory seller party to the subject gas sales contract.

[19] Apache Production Corporation, nonoperator, is filing for itself but has supplemented its certificate application by filing concurrently but under separate cover the name and percentage of each owner of working interest in the subject unit. Application covers a ratification agreement dated September 17, 1958, of a basic gas sales contract dated May 1, 1958, between Sinclair Oil & Gas Company (co-owner of subject unit), seller, and Northern Natural, buyer. Unapache Co., and Northern Natural are the signatory parties to the subject ratification agreement. On February 20, 1959, Applicant filed an amendment to the Certificate of Incorporation of Unapache Co., to show a change in name to Apache Production Corporation.

[20] Fairman Drilling Company, Applicant, is a partnership consisting of Hermes Fairman; Harry Fairman; Frank Fairman; Ernest Fairman; Roy Fairman; Earl Fairman; Milo Fairman and Hubert Griffiths. All of the above-named partners are signatory seller parties to the subject gas sales contract.

[21] Smith Development Company is filing for itself and as agent for the following co-owners: Cree Drilling Company, Inc.; Petroleum Specialty Company; A. E. Hickman; J. W. Gordon, Jr.; and R. F. Gordon, d/b/a Hickdon Oil Company and United Mud Service Company. Application covers three separate gas sales contracts, as amended, one dated June 17, 1958, and two dated March 24, 1958. All of the above-named parties except Hickdon Oil Company are signatory seller parties to said basic contracts. Hickdon acquired its interest in production from the subject acreages by three separate instruments of assignment executed March 15, 1958, and one executed April 28, 1958, from Petroleum Specialty Company and has become a signatory seller party to the subject gas sales contracts to the extent of the assignments.

[22] Ethel W. Bird and Charles Allen Bird are both signatory seller parties to the subject basic casinghead gas sales contract dated November 1, 1956, and two amendatory agreements adding additional acreages thereto dated February 25, 1957, and September 20, 1957.

[23] Midwest Oil Corporation, Operator, is filing for itself and on behalf of the following nonoperators: General Gas Corporation; Petroleum, Inc.; W. C. Feazel; Lallage Feazel; G. M. Anderson; Gertrude F. Anderson and Gulf Oil Corporation. Gulf's 5.8073 percent interest in production will be disposed of by Operator pursuant to the terms of an operating agreement. The remaining nonoperators and the Operator are signatory seller parties to the subject gas sales contract.

[24] L. R. Franch, Jr., Operator, is filing for himself and as Operator lists in the application together with their percentages of working interests the following nonoperators: R. L. Weller, R. E. Hamilton and W. S. Nelson. Operator is the sole signatory seller party to the subject gas sales contract.

[25] Application covers a ratification agreement dated February 5, 1959, of a basic gas sales contract dated April 17, 1957, between White Eagle Oil Company, seller and Colorado Interstate Gas Company, buyer. Both Colorado Interstate Gas Company and Aikman are signatory parties to the subject ratification agreement. White Eagle received authorization in Docket No. G–12750 to sell gas under the basic contract.

[26] Application covers a ratification agreement dated July 17, 1958, of a basic gas sales contract dated July 17, 1958, between Tennessee Gas Transmission Company (TGT), buyer, and Sinclair Oil & Gas Company (unit operator), seller. Both Sohio and TGT are signatory parties to the subject ratification agreement.

[27] John J. Pichinson, Operator, is filing for himself, and as Operator, lists in the application, together with the working interest of each, the following nonoperators: Edgar Linkenhoger; James H. Kuhns; M. W. Messer; Fred Flato; W. L. Bates; Del Mar Drilling Company; Coastal Bend Oil Company; Gust Tsesmelis; J. E. O'Neal and S. B. Messer. All are signatory seller parties to the subject gas sales contract.

[28] M–L–T Oil Company, Operator, is a Joint Venture composed of the following owners of working interests in the subject acreage: Mr. and Mrs. L. M. Taliaferro; Roland MacKenzie; Joseph Keelty, Jr.; Jeffrey V. Miller; Graydon Thomas, Trustee; Edwin A. Nesbitt; Robert McCulloch; Mr. and Mrs. James K. Kindelberger; Charles W. Cregier; W. Gwynn Gardiner, Jr.; Ella K. Stoyanoff; J. Roy Derrick; Harry M. Frank and H & I Investments, Ltd. Application covers a basic gas sales contract dated October 2, 1957, and an amendatory agreement dated December 23, 1957, adding additional acreage thereto. J. Roy Derrick and Jeffery V. Miller are signatory seller parties to the subject gas sales contract and amendatory agreement. The remaining above-named parties acquired their interests by assignments from Derrick and Miller and have become signatory seller parties to the contract to the extent of such assignments.

[29] Texas Crude Oil Company, Operator, is filing for itself and on behalf of non-operators Nichols & Company, Inc., and Enders M. Voorhees. In addition, the application lists Lynwood Rhodes, nonoperating owner of 3.01389 percent working interest, which interest is not covered in the subject application. Texas Crude is the only signatory seller party to the subject gas sales contract.

[30] V. E. M. Oil Company (predecessor in interest to VEM Oil, Inc.) is the sole signatory seller party to the subject gas sales contract.

[31] James A. Hughes, Applicant, is filing for himself and as agent for Hazel Lee Hughes, Victor E. Tennant, George I. Tennant and Marvel F. Tennant. James A. Hughes and Hazel Lee Hughes are the only signatory seller parties to the subject gas sales contract. The remaining above-named parties acquired their interests by assignment and have become signatory seller parties to the gas sales contract to the extent of such assignment.

[32] L. C. Smitherman, Operator, is filing for himself and on behalf of the following nonoperators listed in the application together with their percentages of working interest: Phillips Petroleum Company; Leon C. Smitherman, Jr.; Dorothy M. Smitherman; J. B. McKay; T. W. Strait; R. T. Leeper; and Tatlock Oil Company. L. C. Smitherman is the only signatory seller party to the basic gas sales contract dated December 29, 1958. J. B. McKay and T. W. Strait are signatory seller parties to a ratification agreement (also signed by Buyer) dated February 12, 1959, which ratifies the terms of and adds additional acreage to the basic contract.

[33] J. A. Chapman is a signatory seller party to the subject gas sales contract through the signature of A. H. Rogers, his Attorney-in-Fact.

[34] Sinclair Oil & Gas Company, Applicant, is filing as plant Operator for authorization to sell residue gas from its processing plant. Applicant produces and purchases from others the gas for processing in its plant and as plant Operator lists the names of 63 producers from whom gas is purchased, which producers receive as part payment for their gas a percentage of the proceeds received by Applicant from the sale of residue gas.

[35] David Crow, Muslow Oil Company, Inc., and Irwin I. Muslow are filing jointly for their interest in the subject acreage. All are signatory seller parties to the subject gas sales contract.

[36] Wheless Drilling Company, Operator, is filing for itself and on behalf of the following non-operators listed in the application together with the percentages of working interest: Wheless Drilling Company, Trustee; S. B. Hicks; L. Lieber; J. R. Querbes, Jr.; George D. Nelson; Charles T. Beaird and J. Pat Beaird. Application covers a ratification agreement dated March 28, 1959, to which agreement Wheless and Buyer are the only signatory parties, of a basic gas sales contract, as amended, dated June 5, 1951, between Murphy Corporation, et al., Sellers, and Arkansas Louisiana, Buyer.

[37] T. L. Roach and T. L. Roach, Jr., are both signatory seller parties to the subject gas sales contract.

[38] Lario Oil & Gas Company states that by four assignments dated July 1, 1959, it purchased from The Globe Oil & Refining Company the producing properties from which it seeks authorization to continue service formerly rendered by Globe. Globe was authorized to render service from the Greenwood and Katie Fields in Docket Nos. G–7476, G–10183 and G–12615. Service from the Mocane Field is the subject of Globe's application in Docket No. G–16876..

[39] The et al. parties being: Sam Perkins; R. K. Carson; R. L. Weatherford; A. T. Giddie; Harry Dobbs, Jr., J. B. Trimble; Dr. J. A. Garcia; Kirby Rodgers; Dr. M. G. Frich; James Gray Matthews and James R. Matthews. All but Sam Perkins are signatory to the contract of May 29, 1959.

[40] Amendments filed July 1, 1959, September 18, 1959 and December 24, 1959, add additional acreage by amendatory agreements dated April 20, 1959, August 25, 1959 and November 23, 1959, respectively.

[41] Amendment filed September 4, 1959, adds additional acreage by an amendatory agreement dated June 16, 1959.

[42] The original application in Docket No. G–16759 was filed by Westland Oil Development Corporation. Pan American Petroleum Corporation filed a statement, on June 2, 1959, stating that by assignment dated April 6, 1959 it acquired the leases which are the subject of the application in Docket No. G–16759 and requested to be substituted as Applicant therein.

[F.R. Doc. 60–1052; Filed, Feb. 2, 1960; 8:46 a.m.]

[Docket No. G–18297]

ANTELOPE GAS PRODUCTS CO.

Notice of Application and Date of Hearing

JANUARY 27, 1960.

Antelope Gas Products Company,[1] Operator (Applicant) an independent producer of natural gas, filed an application on April 13, 1959, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue a sale of natural gas previously made by Kimball Gas Products Company (Kimball) of residue gas to Kansas-Nebraska Natural Gas Company, Inc. (Kansas), from the Kimball Plant, located in Kimball County, Nebraska, pursuant to a gas sales contract dated March 24, 1955, between Kimball, Seller, and Kansas, Buyer. Applicant will purchase the subject gas from the Cliff and Rush Creek Fields, Logan and Weld Counties, Colorado, on a "percentage sales" basis.

The application states that by instrument of assignment executed January 2, 1959, Kimball conveyed to Applicant the above-mentioned gas sales contract.

Kimball was authorized in Docket No. G–10388 to render the service proposed to be continued by Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 1, 1960 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–1057; Filed, Feb. 2, 1960; 8:47 a.m.]

[Docket No. G–14474 etc.]

ERNEST CAMPBELL ET AL.

Notice of Applications and Date of Hearing

JANUARY 27, 1960.

In the matters of Ernest Campbell, Docket No. G–14474; John E. Lydle, Docket No. G–14850; Anderson-Prichard Oil Corporation, Docket No. G–14989; Hugh K. Haddox, Docket No. G–15062; Prather Gas Company, Docket No. G–18896; Skelly Oil Company, Operator, Docket No. G–19436; Big Chief Drilling Company, Docket No. G–19541; B. R. Hays et al., Docket No. G–19552.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas

Act, for permission and approval to abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants seek permission and approval to abandon service as indicated below:

Docket No.; Purchaser; and Docket in Which Sale Was Authorized

G-14474; Hope Natural Gas Co.; G-8671.
G-14850; Hope Natural Gas Co.; G-10651.
G-14989; El Paso Natural Gas Co.; G-6226.
G-15062; New York State Natural Gas Corp.; G-7363.
G-18896; Hope Natural Gas Co.; G-5413.
G-19436; Kansas-Nebraska Natural Gas Co.; G-16547.
G-19541; Warren Petroleum Corp.; G-5217, G-5219, G-5222 and G-5226.
G-19552; Hope Natural Gas Co.; G-5654.

Each application herein states, except in Docket No. G-14989, that the volume of gas available for delivery under the related gas sales contract has been depleted or has declined to a point where it is no longer economically feasible to continue operation.

The application in Docket No. G-14989 states that pursuant to the terms of a Gas Operating and Development Contract dated November 6, 1939, El Paso Natural Gas Company acquired ownership of the producing properties which are the subject of said application.

The public convenience and necessity require that these matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commision's rules of practice and procedure, a hearing will be held on March 8, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1058; Filed, Feb. 2, 1960; 8:47 a.m.]

[Docket No. G-18545]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JANUARY 21, 1960.

Take notice that on May 15, 1959, Cities Service Gas Company (Cities Service) filed in Docket No. G-18545, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Cities Service to construct and operate facilities and render service as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Cities Service seeks authorization to construct and operate facilities consisting of approximately 3.38 miles of 4-inch pipeline, together with meter and regulating facilities from a point of connection with Western Gas Service Company's ("Western" formerly Lea County Gas Company, successor to Southwestern Public Service Company) existing pipeline near the center of the East line of Section 3 Township 1 North, Range 12 E.C.M., extending in a southeasterly direction to a connection with Skelly Oil Company's (Skelly) Jones (A) and (B) wells located in Sections 14 and 13 respectively, all in Texas County, Oklahoma. The total cost of the facilities is approximately $19,470.

Cities Service states the facilities are to be used to deliver gas, purchased from Skelly, to Western who will redeliver equal volumes of gas to Applicant under an exchange agreement dated November 14, 1949, between Cities Service and Southwestern Public Service Company; however, Western reserves the right to purchase from Cities Service so much of said gas as required by Western.

Applicant states that the proposed facilities will relieve it from the necessity of constructing substantial facilities required to take the gas from the above mentioned wells, since said wells are within close proximity of Western's existing pipeline.

Applicant states that the aforementioned facilities are presently installed and being operated and that service is now being rendered.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 24, 1960, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1059; Filed, Feb. 2, 1960; 8:47 a.m.]

[Docket No. G-15688]

CRESCENT OIL AND GAS CORP.

Notice of Application and Date of Hearing

JANUARY 27, 1960.

Take notice that on July 23, 1958, Crescent Oil and Gas Corporation (Crescent), as operator, for itself and Yates Drilling Company, filed in Docket No. G-15688 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Texas Gas Transmission Corporation (Texas Gas) from the Martin Pousson Lease in the Iota Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service is covered by a gas sales contract dated November 7, 1951, as amended, between Southern Six Drilling Company and T. J. McIntyre (predecessor in interest to Crescent), as sellers, and Louisiana Natural Gas Corporation (now Texas Gas) as buyer, on file with the Commission as Crescent Oil and Gas Corporation (Operator), et al., PFC Gas Rate Schedule No. 4.

Crescent, Operator, et al., were granted certificate authorization on April 25, 1958, in Docket No. G-14125 to render the service now proposed to be abandoned.

Crescent states that the only well completed on the subject lease, after producing an insignificant amount of gas which was sold to Texas Gas, became incapable of producing gas and was converted into an oil well, since which time no additional natural gas has been produced and sold from the lease.

The instant application has been construed to be a notice of cancellation of the subject rate schedule and has been designated as Supplement No. 2 to Crescent Oil and Gas Corporation (Operator), et al., FPC Gas Rate Schedule No. 4.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 1, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1060; Filed, Feb. 2, 1960; 8:47 a.m.]

[Docket No. G-19244]

PACK OIL CO., INC.

Notice of Application and Date of Hearing

JANUARY 27, 1960.

Take notice that Pack Oil Company, Inc. (Applicant), a corporation with a principal office in Wichita, Kansas, filed an application in Docket No. G-19244 on August 17, 1959, pursuant to section 7(b) of the Natural Gas Act for authorization to abandon service to Northern Natural Gas Company (Northern) from acreage (assigned to Applicant by Pan American Petroleum Corporation on February 3, 1958) in the Daisy Wall, Truman C. York and Paul A. Salyer leases, all in Clark County, Kansas, covered by a gas sales contract dated June 23, 1952, and on file with the Commission as Pan American Petroleum Corporation FPC Gas Rate Schedule No. 107, all as more fully described in the application on file with the Commission, and open to public inspection.

Applicant states that the gas supply from the described leases has diminished to the point where the income from sales does not pay for the cost of compression of the gas to Northern's line pressure, and Northern has consented to the termination of its said contract. The service proposed to be abandoned was authorized by order of the Commission issued February 10, 1958, In the Matters of Arkansas Fuel Oil Corporation, et al., Docket Nos. G-3031, et al., wherein a certificate of public convenience and necessity was issued to Pan American Petroleum Corporation in Docket No. G-7530.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 14, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 4, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1061; Filed, Feb. 2, 1960; 8:47 a.m.]

[Docket Nos. G-14648—G-14654]

SMITH AND BARKER OIL & GAS CO., INC.

Notice of Applications and Date of Hearing

JANUARY 26, 1960.

Take notice that on March 10, 1958, Smith and Barker Oil & Gas Company, Inc. (Applicant) filed in the above-entitled dockets applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity to continue the sales of natural gas to Hope Natural Gas Company (Hope) from certain acreages in the Lee and Sherman Districts, Calhoun County, West Virginia, previously made by certain predecessors in interest under their respective gas sales contracts with Hope, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

The locations, basic contract designations and former authorization docket numbers of the subject sales are as follows:

G-14648—Little Creek, Lee District; Smith and Barker Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 7, formerly Bennington Oil and Gas Co., FPC Gas Rate Schedule No. 1; G-9472.

G-14649—Daniels Run, Lee District; Smith and Barker Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 5, formerly Smith and Barker Oil and Gas Co., FPC Gas Rate Schedule No. 3; G-11283.

G-14650—Little Creek, Lee District; Smith and Barker Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 6, formerly Shrader Oil and Gas Co., FPC Gas Rate Schedule No. 1; G-9019.

G-14651—Daniels Run, Lee District; Smith and Barker Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 1, formerly Cleo Summers Oil and Gas Co., et al., FPC Gas Rate Schedule No. 1; G-9139.

G-14652—J. P. Hicks, Lee District; Smith and Barker Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 3, formerly Smith and Barker Oil and Gas Co., FPC Gas Rate Schedule No. 1; G-9919.

G-14653—Laurel Creek, Sherman District; Smith and Barker Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 4, formerly Smith and Barker Oil and Gas Co., FPC Gas Rate Schedule No. 2; G-10867.

G-14654—Little Creek, Lee District; Smith and Barker Oil and Gas Co., Inc., FPC Gas Rate Schedule No. 2, formerly Sourbourne Oil and Gas Co., et al., FPC Gas Rate Schedule No. 1; G-9135.

Notices of succession to the respective rate schedules of its predecessors were filed concurrently with the applications herein and accepted for filing by the Commission's letter dated April 1, 1958, and are likewise open to public inspection.

Amendment filed August 20, 1959, in Docket No. G-14651 covers additional acreage which was inadvertently omitted in the original application.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 25, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1062; Filed, Feb. 2, 1960; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-527]

HEXAGON-HEAD CAP SCREW INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Hexagon-Head Cap Screw Industry will be held under the auspices of the Federal Trade Commission commencing at 10 a.m., e.s.t., on Wednesday, February 24, 1960, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C.

The conference will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for the industry. Members of this industry are persons, firms, corporations and organizations engaged in the manufacture, importation, sale, offering for sale, or distribution of hexagon-head cap screws.

The purpose of the conference is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are: Misrepresentation (general); misrepresentation as to character of business; misrepresenting products as conforming to standard; deception as to origin; guarantees, warranties, etc.; substitution of products; deceptive use or imitation or simulation of trade or corporate names, trademarks, etc.; deceptive invoicing, etc.; defamation of competitors or false disparagement of their products; inducing breach of contract; enticing away employees of competitors; commercial bribery; procurement of competitors' confidential information; coercing purchase of one product as a prerequisite to the purchase of other products; exclusive deals; consignment distribution; use of the word "free"; prohibited forms of trade restraints (unlawful price fixing, etc.); push money; prohibited discrimination; and aiding or abetting use of unfair trade practices.

After the conference on February 24, 1960, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: February 1, 1960.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-1138; Filed, Feb. 2, 1960; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 16]

APPLICATIONS FOR MOTOR CARRIER CERTIFICATE OR PERMIT DURING "INTERIM" PERIOD

JANUARY 29, 1960.

Applications for motor carrier certificate or permit covering operations commenced during the "interim" period, after May 1, 1958, but on or before August 12, 1958.

The following application was filed under the "interim" clause of section 7(c) of the Transportation Act of 1958.

Appropriate protests to this application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 55932 (Sub No. 1), (REPUBLICATION), filed December 10, 1958, published in the FEDERAL REGISTER, issue of April 30, 1959. Applicant: PILGRIM TRANSPORT, INC., 184 First Street, Cambridge, Mass. Applicant's representative: Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils,* and *wool waste* (carded, spun, woven or knitted), in straight and in mixed loads with *certain exempt commodities,* from points in the New York, N.Y., Commercial Zone, as defined by the Commission, Newburgh, N.Y., Watertown, Mass., Weehawken, Port Newark, Newton, and Linden, N.J., to points in Massachusetts, Rhode Island, and Connecticut.

NOTE: Applicant's representative advises that inadvertently the application was originally executed on Form BOR-1 ("grandfather" form). The described operations were instituted after May 1, 1958, and are "interim" operations. The subject application is being processed as a filing under the latter referred-to provision of the Transportation Act of 1958.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-1080; Filed, Feb. 2, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 29, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 35981: *Substituted service—PRR et al., for Hennis Freight Lines, Inc., et al.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 17), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kearny, N.J., and Philadelphia, Pa., on the one hand, and Atlanta, Ga., and Charlotte, N.C., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Southern Motor Carriers Rate Conference, Agent, tariff I.C.C. 33, MF-I.C.C. 1071.

FSA No. 35982: *Cement—Kosmosdale, Ky., to Central Territory.* Filed by O. W. South, Jr., Agent (SFA No. A3902), for interested rail carriers. Rates on cement, in carloads, from Kosmosdale, Ky., to points in Illinois, Indiana, Iowa Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 26 to Traffic Executive Association—Eastern Railroads, Agent, tariff I.C.C. C-56 (Hinsch series).

FSA No. 35983: *Sand—Southwestern points to Benton and Hallstead, Pa.* Filed by Southwestern Freight Bureau, Agent (No. B-7726), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek, and Roff, Okla., to Benton and Hallstead, Pa.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 46 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 35984: *Sorghum grain—Kansas to South Pacific Coast.* Filed by Trans-Continental Freight Bureau, Agent (No. 365), for interested rail carriers. Rates on sorghum grains, in carloads, as described in the application, from specified points in Kansas on The Atchison, Topeka and Santa Fe Railway Company, to points in Arizona, California, Nevada, New Mexico, and Utah described in the application.

Grounds for relief: Operation through higher-rated intermediate points over circuitous routes.

Tariff: Supplement 122 to Trans-Continental Freight Bureau tariff I.C.C. 1577.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-1073; Filed, Feb. 2, 1960; 8:48 a.m.]

[Notice 113]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 29, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–55874 (Deviation No. 1) INDEPENDENT TRUCKERS, INC., 4684 Leavenworth Street, Omaha, Nebr., filed January 18, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over city streets to 72d and L Streets, thence over L Street to junction Interstate Highway 80 near Millard, Nebr. (also from Omaha over city streets to intersection of certain city streets and Interstate Highway 80) also from Omaha over city streets to the city limits of Omaha, thence over extensions of certain city streets located outside of the city limits of Omaha to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 6 near Gretna, Nebr., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over an authorized service route as follows: From Omaha over U.S. Highway 6 to Lincoln, Nebr., and return over the same route.

No. MC–72444 (Deviation No. 6) AKRON - CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed January 22, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Mansfield, Ohio, over U.S. Highway 30N to Bucyrus, Ohio, thence over Ohio Highway 4 to Marion, Ohio, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Mansfield and Marion over U.S. Highway 30S.

No. MC–72444 (Deviation No. 7), AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed January 22, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Fulton and Syracuse, N.Y., over New York Highway 48, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Fulton and Syracuse over New York Highway 57.

No. MC–76266 (Deviation No. 3), MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed January 22, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to junction with U.S. Highway 6 at a point 3 miles south of Gretna, Nebr., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized route as follows: From Kearney, Nebr., over Nebraska Highway 44 to junction Nebraska Highway 10, thence over Nebraska Highway 10 to Minden, Nebr., and thence over U.S. Highway 6 to Omaha, and return over the same route.

No. MC–115025 (Deviation No. 1) THE SHORT LINE OF CONNECTICUT, INCORPORATED, 150 Gilbert Street, Hartford, Conn., filed December 9, 1959. Attorney, John L. Collins, 50 State Street, Hartford, Conn. Carrier proposes to operate as a *Common Carrier of Passengers*, over a deviation route as follows: From Windsor Locks, Conn., over the Hartford-Springfield Expressway (Connecticut Highway 91) to Thompsonville, Conn., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent authorized service routes as follows: From Hartford over U.S. Highway 44 (formerly U.S. Highway 6) to East Hartford, Conn., thence over U.S. Highway 5 to junction unnumbered Highway (formerly U.S. Highway 5, subsequently Alternate U.S. Highway 5), south of Burnham, Conn., thence over New U.S. Highway 5 via Burnham to junction Old U.S. Highway 5, at or near East Windsor Hill, Conn., thence over U.S. Highway 5 to junction Connecticut Highway 191, thence over Connecticut Highway 191 to Warehouse Point, Conn., thence return over Connecticut Highway 191 to junction U.S. Highway 5, thence over U.S. Highway 5 via Thompsonville, Conn., to Springfield; From Hartford over Alternate U.S. Highway 5 to junction relocated Alternate U.S. Highway 5, at the intersection of Wolcott Ave., and Drake Street in the town of Windsor, Conn., thence over relocated Alternate U.S. Highway 5 to junction Alternate U.S. Highway 5 and Rood Avenue, thence over Alternate U.S. Highway 5 Via Windsor-Locks, and Agawam, Mass., to junction Massachusetts Highway 57 in the town of West Springfield, Mass., thence over Massachusetts Highway 57 to Springfield; from Hartford as specified above to Windsor Locks, Conn., thence over unnumbered highway to junction Connecticut Highway 75, thence over Connecticut Highway 75 via Suffield, Conn., to junction Alternate U.S. Highway 5, thence as specified above to Springfield; from Hartford as specified above to Suffield thence over Connecticut Highway 190 to Thompsonville, thence as specified above to Springfield; from Hartford as specified above to Windsor Locks, thence over Connecticut Highway 20 to Warehouse Point, thence as specified above to Springfield, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–1074; Filed, Feb. 2, 1960; 8:48 a.m.]

[Notice 258]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 29, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62839. By order of January 28, 1960, the Transfer Board approved the transfer to Nelms Motor Line, Inc., Suffolk, Virginia, of the operating rights of Eugene Nelms, Suffolk, Virginia, in Certificates Nos. MC 95627, MC 95627 Sub 5, MC 95627 Sub 6, MC 95627 Sub 12, MC 95627 Sub 14, and MC 95627 Sub 18, issued April 4, 1951, April 23, 1952, April 30, 1952, November 7, 1956, April 16, 1958, and March 27, 1958, respectively, authorizing the transportation, over irregular routes, of meats, meat products, and meat by-products, salt, lard cans, meat boxes, barrels, coal, roofing, nails; feed, seed, wire fencing, flour, pepper, saltpeter, and metal roofing, from, to, and between specified points in Virginia, the District of Columbia, Maryland, North Carolina, South Carolina, New York, Pennsylvania, and New Jersey, and general commodities, excluding household goods and commodities in bulk, between points in six counties in Virginia, and Newport News, Va. the Transfer Board also approved the substitution of transferee as applicant in Dockets Nos. MC 95627 Sub 21, MC 95627 Sub 22, MC 95627

Sub 24, and MC 95627 Sub 26. A. E. S. Stephens, P.O. Box 391, Smithfield, Va., for applicants.

No. MC-FC 62852. By order of January 28, 1960, the Transfer Board approved the transfer to Herbert M. Adams, Jr., doing business as Adams Van & Storage Co., Caribou, Maine, of Certificate No. MC 19251, issued November 6, 1956, to Paul Arpin Van Lines, Inc., Providence, R.I., authorizing the transportation of: Household goods, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, and the District of Columbia; between points in Rhode Island, on the one hand, and, on the other, points in Delaware, Maryland, and Virginia; between New York, N.Y., and points within 25 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia; between New York, N.Y., and points within 25 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in Maine, Michigan, Missouri, Vermont, West Virginia, and Wisconsin; between points in Connecticut, on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and household goods, office furniture and equipment, and store fixtures, between points in Rhode Island, on the one hand, and, on the other, New York, N.Y., and points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont. Herbert Burstein, 160 Broadway, New York 38, N.Y., for applicants.

No. MC-FC 62891. By order of January 28, 1960, the Transfer Board approved the transfer to Harold M. Legier, doing business as Legier Bros., Plattsburg, N.Y., of Certificate in No. MC 89082, issued October 4, 1949, to John J. Legier, George Legier, and Harold M. Legier, a partnership, doing business as Legier Brothers, Plattsburg, N.Y., authorizing the transportation of: Household goods, between Plattsburg and Essex, N.Y., and points in New York within 25 miles of Plattsburg, on the one hand, and, on the other, points in Vermont, Connecticut, Maine, Massachusetts, New Hampshire, Pennsylvania, and New Jersey. James A. FitzPatrick, 42 Clinton Street, Plattsburg, N.Y., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-1076; Filed, Feb. 2, 1960; 8:48 a.m.]

[Notice 308]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 29, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice (49 CFR 1.40) including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 3961 (Sub No. 2), filed November 27, 1959. Applicant: JOHN McINTYRE, doing business as J & H McINTYRE TRUCKING, 108 Oak Street, Jersey City 4, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel*, from Jersey City, N.J., to points in New Haven, Fairfield, and Litchfield Counties, Conn., points in Dutchess, Putnam, Westchester, Sullivan, Ulster, Orange, and Rockland Counties, N.Y., and Philadelphia, Pa., and *returned, refused, rejected and damaged shipments* of iron and steel, on return. Applicant is authorized to conduct operations from and to specified points in New Jersey, New York, and Pennsylvania.

NOTE: Applicant states the proposed operations shall be under a continuing contract with W. Ames & Company, Jersey City, N.J.

HEARING: March 11, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 4405 (Sub No. 345), filed January 11, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile transtainers*, requiring special handling, accompanied by escorts and vehicles, moving on Government bills of lading, between Litchfield Park, Ariz., on the one hand, and, on the other, San Diego, Calif.

HEARING: March 4, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 7550 (Sub No. 8), filed January 7, 1960. Applicant: WILLIAM H. WEBB, 2780 Jefferson Davis Highway, Arlington, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, Thirteenth and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, such as wallboard, sheathing, lath, backing board, gypsum filler, gypsum ground, land plaster, plaster retarder, plaster or stucco accelerator, lime, plaster, blocks, planks, slabs, or tile, and plastering compound, in containers, on flat-bed trailers, from the site of the Ruberoid Co. plant, at or near Wheatland, N.Y., to Falls Church and Vienna, Va., Washington, D.C., and points in the Washington, D.C., Commercial Zone as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: March 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Gricher.

No. MC 8989 (Sub No. 185), filed January 7, 1960. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in driveaway and truckaway service, in initial movements, from Pomona, Calif., to points in the United States, including Alaska.

HEARING: March 9, 1960, at the Federal Building, Los Angeles, Calif., before Examiner Jair S. Kaplan.

No. MC 10761 (Sub No. 88), filed October 26, 1959. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Syracuse, N.Y., and Springfield, Mass., from Syracuse over New York Highway 5 to junction U.S. Highway 20-N, thence over U.S. Highway 20-N to junction U.S. Highway 20 thence over U.S. Highway 20 to Springfield, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Boston, Mass., and Hartford, Conn., and between Buffalo and Syracuse, N.Y. Applicant is authorized to conduct operations in Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, West Virginia, and Wisconsin.

HEARING: March 8, 1960, at the Federal Building, Syracuse, New York, before Examiner Francis A. Welch.

No. MC 14297 (Sub No. 15), filed December 9, 1959. Applicant: GIACOMAZZI BROS. TRANSPORTATION CO., a Corporation, P.O. Box 729, San Jose, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Crockett, Calif., to points in Douglas County, Oreg., and *contaminated or returned shipments of liquid sugar* on return. Applicant is authorized to conduct operations in California, Nevada, and Oregon.

HEARING: March 18, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, California, before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 17979 (Sub No. 8), filed October 6, 1959. Applicant: MARTIN A. CROWLEY, doing business as MARTIN A. CROWLEY TRUCKING, 753 Central Avenue, Franklin, N.H. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete structural beams*, which because of size or weight, require special handling or the use of special equipment, from Laconia and Franklin, N.H., to points in Maine, New Hampshire, Vermont, and Massachusetts, and *refused, rejected* or *damaged* commodities, on return. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

HEARING: March 22, 1960, at the New Hampshire Public Service Commission, Concord, New Hampshire, before Examiner Harold W. Angle.

No. MC 29469 (Sub No. 8), filed December 2, 1959. Applicant: DELLAVALLE TRUCKING CO., INC., 3122 Victory Boulevard, Boro of Richmond, New York, N.Y. Applicant's attorney: Robert DeKroyft, Woolworth Building, 233 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used machinery and parts*, and *supplies* and *materials* used or useful in welding processes, *scrap metal, chemicals, zircon ore* (crude or ground zirconium silicate), *rutile ore*, and *chrome metals*, between Carteret, N.J., and points in the New York, N.Y., Commercial Zone, including points in New Jersey within said Zone; (2) *pig tin* from Carteret, N.J., to points in the New York, N.Y., Commercial Zone, including points in New Jersey within said Zone; (3) *tin mud* (residue from detinning process), from Carteret, N.J., to New York, N.Y.; (4) *flint stone* and *pebbles* (for use in grinding process), from points in the New York, N.Y., Commercial Zone, including points in New Jersey within said Zone, to Carteret, N.J.; and (5) *tin plate scrap, black plate scrap*, and *terne plate scrap* (suitable for detinning only), from points in the Philadelphia, Pa., Commercial Zone, to Carteret, N.J., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return movements. Applicant is authorized to conduct operations between, and from and to Carteret, N.J., and New York, N.Y.

HEARING: March 7, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 30900 (Sub No. 13), filed December 10, 1959. Applicant: FILKINS TRANSPORTATION COMPANY, INC., Crane Avenue, Pittsfield, Mass. Applicant's representative: William L. Mobley, Rooms 317–319, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* and *limestone products*, from points in Berkshire County, Mass., to points in New York, New Hampshire, Rhode Island, and Vermont. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE: Applicant states it is not meant that the authority sought by this application will duplicate any of the authority now held.

HEARING: March 3, 1960, at the Federal Building, Albany, New York, before Examiner Francis A. Welch.

No. MC 36473 (Sub. No. 68), filed December 8, 1959. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, P.O. Box 1411, Tampa, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between McIntosh, Ga., and junction unnumbered County Highway (commonly known as Fleming Road) and U.S. Highway 17, over Fleming Road, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations; (2) Between Branford, Fla., and Perry, Fla., over U.S. Highway 27, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; (3) Between Trenton, Fla., and Fannin, Fla., over Florida Highway 26, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; (4) Between Ft. Pierce, Fla., and junction Florida Highway 68 and U.S. Highway 441, over Florida Highway 68, serving no intermediate points, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations; and (5) Between South Bay, Fla., and junction Florida Highway 80 and U.S. Highway 98, over Florida Highway 80, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, and Louisiana.

HEARING: March 21, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 36629 (Sub No. 1), filed November 27, 1959. Applicant: FRED VORDERMEIER, doing business as STEINWAY TRUCKING, 42–02 19th Avenue, Long Island City 5, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building glass*, (1) from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Connecticut, Massachusetts, New Jersey, Rhode Island, that part of Pennsylvania on and east of U.S. Highway 15 and that part of New York within 100 miles of New York, N.Y., and (2) from Butler, Pa., Clarksburg, W.Va., and points in that part of Pennsylvania and West Virginia within 50 miles of Clarksburg, W.Va., to points in the New York, N.Y., Commercial Zone, as defined by the Commission, and *rejected, damaged or returned shipments* of building glass, on return.

NOTE: Applicant states it now holds the above authority from and to New York, N.Y.; that the purpose of this application is to enable applicant to serve the Commercial Zone of New York, N.Y., in addition to New York, N.Y.

HEARING: March 10, 1960, at 346 Broadway, New York, N.Y., before Examiner Harold W. Angle.

No. MC 40007 (Sub No. 64), filed January 14, 1960. Applicant: RELIABLE TRANSPORTATION COMPANY, a Corporation, 4817 Sheila Street, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sesame oil*, in bulk, in tank trucks, from Stout, Calif., to Reno, Nev.

HEARING: March 8, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 41255 (Sub No. 31), filed December 22, 1959. Applicant: GRUBB MOTOR LINES, INC., Old Salisbury Road, P.O. Drawer 567, Lexington, N.C. Applicant's attorney: James E. Wilson, Perpetual Building 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (crated and uncrated), as listed in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273–274, from Norwood, N.C., and points in Davidson County, N.C., to points in Florida and Georgia, and *rejected shipments* of new furniture as described above, on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia.

HEARING: March 30, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner James I. Carr.

No. MC 42487 (Sub No. 439), filed January 11, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Warren N. Grossman, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coconut oil fatty acids*, in bulk, in tank vehicles, from Oakland, Calif., to Gabbs, Nev.

NOTE: Applicant states that pursuant to proceedings in Docket No. MC-F-7000, it acquired the operating properties and rights of Consolidated Freightways, Inc.

HEARING: March 8, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 49368 (Sub No. 83) (correction), filed September 28, 1959, published Federal Register issue of January 20, 1960. Applicant: COMPLETE AUTO TRANSIT, INC., 18465 James Couzens Highway, Detroit 35, Mich. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, bodies,* and *parts* thereof, and *trucks, chassis, bodies, cabs* and *parts* thereof, in truckaway and driveaway service, in initial movements, from the plant site of Chevrolet Motor Division of General Motors Corporation at Norwood, Ohio, to points in Alabama, Georgia, North Carolina, and South Carolina. Applicant is authorized to conduct operations throughout the United States.

NOTE: Previous publication erroneously indicated common carrier authority was sought.

HEARING: Remains as assigned: February 24, 1960, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Allen W. Hagerty.

No. MC 52657 (Sub No. 581), (SECOND CLARIFICATION), filed November 2, 1959, published FEDERAL REGISTER, issue of December 16, 1959, and republished issue of January 20, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Air Car Vehicles, parts and accessories thereof,* when accompanying the above-described vehicles, between South Bend, Ind., on the one hand, and, on the other, points in the United States, including Alaska; and (2) *Trailers,* designed for the transportation of Air Car Vehicles, when accompanying such vehicles, between South Bend, Ind., on the one hand, and, on the other, between points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

NOTE: The application as originally published reflected the commodities proposed to be transported as *automotive vehicles.* This republication also eliminates the 5-mile radius of South Bend, Ind., originally requested.

HEARING: Remains as assigned; March 7, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Haggerty.

No. MC 52858 (Sub No. 81), filed December 8, 1959. Applicant: CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and busses,* in secondary movements, in truckaway and driveaway service, between points in California. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: March 15, 1960 at the New Mint Building, 133 Hermann Street, San Francisco, California, before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 55898 (Sub No. 34), filed November 19, 1959. Applicant: HARRY A. DECATO AND EUGENE J. DECATO, a partnership doing business as DECATO BROS. TRUCKING CO., P.O. Box 421, Dartmouth College Highway, Lebanon, N.H. Applicant's attorney: Andre J. Barbeau, 12 Paris Terrace, Manchester, N.H. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in Maine, to Claremont, Laconia, Lebanon, Newport, and Rollinsford, N.H., and Newbury, Vt., and *rejected or damaged lumber,* on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

HEARING: March 22, 1960, at the New Hampshire Public Service Commission, Concord, New Hampshire, before Joint Board No. 133, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 59264 (Sub No. 25), filed December 14, 1959. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a Corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Electrical insulating oil,* in bulk, in tank trailers, *electrical wire and cable,* requiring use of special equipment and *related materials, equipment and supplies* when their transportation is incidental to transportation by applicant of electrical wire and cable, from Hastings-on-Hudson, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Tennessee, Kentucky, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Texas, and Wisconsin, and *empty containers or other such incidental facilities,* used in transporting the above-described *commodities,* on return. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Virginia.

HEARING: March 3, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 59557 (Sub No. 5), filed January 11, 1960. Applicant: AUCLAIR TRANSPORTATION, INC., 41 McGregor Street, Manchester, N.H. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *School, store, hotel, office, and hospital fixtures and equipment,* and *new furniture,* uncrated, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Manchester, N.H., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 21, 1960, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Harold W. Angle.

No. MC 60508 (Sub No. 9), filed December 4, 1959. Applicant: CLYDE H. SIZEMORE, doing business as SIZEMORE TRUCKING COMPANY, P.O. Box 743, Clinton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lumber* (not including plywood and veneer): (a) From points in North Carolina on and east of U.S. Highway 29 to points in West Virginia, Ohio, Rhode Island, Vermont, Massachusetts, New Hampshire, and Tennessee; (b) from points in Ohio, Vermont, and West Virginia to points in North Carolina, South Carolina, Virginia, and Tennessee; and (c) from points in New York (except points in the New York, N.Y., Commercial Zone as defined by the Commission), Pennsylvania (except points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission), to points in Virginia, Tennessee, South Carolina, and West Virginia, and (2) *furniture squares,* from points in Tennessee to points in North Carolina on and east of U.S. Highway 29, and *damaged or rejected shipments,* of the commodities named in (1) and (2) above, on return. Applicant is authorized to conduct operations in Florida, Maryland, New York, North Carolina, Pennsylvania, Virginia, West Virginia and the District of Columbia.

HEARING: March 31, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N. C., before Examiner James I. Carr.

No. MC 75651 (Sub No. 49), filed January 14, 1960. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. Authority sought to operate as a *common carrier* by motor ve-

hicle over regular routes transporting: *General commodities* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Jacksonville, Fla., and Ponte Vedra, Fla., (1) from Jacksonville over Florida Highway 10 to Atlantic Beach, Fla., thence over Florida Highway A1A to Ponte Vedra, and return over the same route, serving all intermediate points, and the off-route points of Mayport and Seminole Beach, Fla.; (2) from Jacksonville over U.S. Highway 90 to Jacksonville Beach, Fla., thence over Florida Highway A1A to Ponte Vedra, and return over the same route, serving all intermediate points, and the off-route points of Mayport and Seminole Beach, Fla.; and (3) from Jacksonville over Florida Highway 105 to junction Florida Highway A1A, thence over Florida Highway A1A to Ponte Vedra, and return over the same route, serving all intermediate points, and the off-route points of Mayport and Seminole Beach, Fla.

NOTE: Applicant states it now holds authority between Jacksonville, Fla., and Ponte Vedra, Fla., over Route (1) above, and that Florida Highway 10 was formerly designated as Florida Highway 78. Duplication with present authority to be eliminated. Common control may be involved.

HEARING: March 24, 1960, at the Mayflower Hotel, Jacksonville, Florida, before Joint Board No. 206, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 76888 (Sub No. 2), filed October 23, 1959. Applicant: EQUITY EXPRESS, INC., Pier 68, North River, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, from New York, N.Y., to points in Nassau, Suffolk and Westchester Counties, N.Y. Applicant is authorized to transport general commodities from New York, N.Y., to specified counties in New Jersey.

HEARING: March 10, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 92983 (Sub No. 370), filed January 4, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Commodities*, in bulk, (except sand, gravel, cement, coal and coke) between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arizona, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: March 17, 1960, at the New Post Office and Court House Building, Boston, Massachusetts, before Examiner Harold W. Angle.

No. MC 95540 (Sub No. 319), filed November 27, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *citrus products* requiring refrigeration but not frozen, from points in Florida to points in North Dakota and South Dakota. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: March 15, 1960, at the U.S. Court Rooms, Tampa, Florida, before Examiner James I. Carr.

No. MC 100031 (Sub No. 3), filed November 30, 1959. Applicant: SEABOARD MILL SUPPLY, INC., 120 Wall Street, New York 5, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from New York, N.Y., points in Nassau County, N.Y., and points in Bergen, Essex, Hudson, Union, Passaic, Middlesex, Morris, and Somerset Counties, N.J., to Versailles, Montville, and New Haven, Conn., and *empty containers or other such incidental facilities*, (not specified) used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in New York and New Jersey.

HEARING: March 8, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 102616 (Sub No. 686), filed January 4, 1960. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, except sand, gravel, cement, coal and coke, in bulk, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Indiana, Michigan, Illinois, Iowa, Minnesota, Wisconsin, Missouri, Kansas, Nebraska, Oklahoma, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: March 17, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harold W. Angle.

No. MC 103378 (Sub No. 167), filed January 6, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags, from points in Chatham County, Ga. to points in Florida and South Carolina. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: March 24, 1960, at the Mayflower Hotel, Jacksonville, Florida, before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 103378 (Sub No. 168), filed January 12, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and chemicals*, dry or liquid, in bulk and in bags, from Moultrie and Bainbridge, Ga., to points in Florida, Alabama, and South Carolina.

HEARING: March 25, 1960, at the Mayflower Hotel, Jacksonville, Florida, before Examiner James I. Carr.

No. MC 103378 (Sub No. 169), filed January 15, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street., Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores*, in bulk, in tank vehicles, from Nocatee, Fla., to Tampa, Fla.

HEARING: March 25, 1960, at the Mayflower Hotel, Jacksonville, Florida, before Joine Board No. 205, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 106398 (Sub No. 146), filed January 11, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P.O. Box 8096 Dawson Station, Tulsa 15, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 18' in length, from points in Pennsylvania to points in the United

States, and *empty containers or other such incidental facilities, (not specified) and refused or damaged shipments* of the above-specified commodity on return.

HEARING: March 9, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John S. Mealy.

No. MC 106760 (Sub No. 43), filed January 12, 1960. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Wayne Street, Toledo 9, Ohio. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural implements,* other than self-propelled and those requiring special equipment, from Ottawa, Ill., and Mansfield, Ohio, to points in the United States, including Alaska.

HEARING: February 18, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 107403 (Sub No. 297), filed January 5, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry commodities,* in bulk, (except sand, gravel, cement, coal and coke), between points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant holds contract carrier authority in Permit No. MC 117637 Sub 1, dual operations may be involved.

HEARING: March 17, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harold W. Angle.

No. MC 109478 (Sub No. 35), filed November 30, 1959. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vinegar,* in bulk, in tank trailers, from Lyndonville, Lyons, and North Rose, N.Y., to Buckfield, Maine. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

HEARING: March 14, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, New York, before Examiner Francis A. Welch.

No. MC 109478 (Sub No. 37), filed December 28, 1959. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sugar,* in bulk, from New York, N.Y., Boston, Mass., and Philadelphia, Pa., to Norwalk, Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia.

HEARING: March 16, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, New York, before Examiner Francis A. Welch.

No. MC 110698 (Sub No. 133), filed December 24, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry commodities* in bulk, (except sand, gravel, cement, coal and coke) between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: March 17, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harold W. Angle.

No. MC 111812 (Sub No. 96), filed January 18, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, packing-house products and commodities used by packing-houses,* as defined in Appendix I to *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 766, from points in Los Angeles County, Calif., to points in North Dakota and South Dakota.

HEARING: March 11, 1960, at the Federal Building, Los Angeles, Calif., before Examiner Jair S. Kaplan.

No. MC 113533 (Sub No. 30), filed January 4, 1960. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 568 North Broad Avenue, Ridgefield, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products,* from points in New York, N.Y. Commercial Zone, Newark, N.J., Philadelphia, Pa. Commercial Zone, Chester, Pa., and Wilmington, Del., to points in West Virginia and those in Maryland on and west of U.S. Highway 11, and *rejected or damaged shipments* of above-described commodities on return. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: March 8, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 114019 (Sub No. 35) filed January 4, 1960. Applicant: THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products,* from New York, N.Y., and Philadelphia, Pa., and the Commercial Zones thereof, Wilmington, Del., and Chester, Pa., to points in West Virginia and those in Maryland on and west of U.S. Highway 11.

NOTE: Applicant is authorized to conduct operations as a contract carrier in No. MC 9685 and Subs thereunder. A proceeding has been instituted under MC 9685 (Sub No. 58) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 may be involved.

HEARING: March 8, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 114145 (Sub No. 2), filed December 4, 1959. Applicant: CECILIA LAMICELLA, doing busines as GRAND TRANSPORTATION CO., 2062 Tillotson Avenue, Bronx 69, N.Y. Applicant's attorney: Edward M. Alfano, 2 East 45th Street, New York 26, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pottery,* from Sebring, Carrollton, Cambridge, Scio, Uhrichsville, East Liverpool, Wellsville, Minerva, and Zanesville, Ohio, to New York, N.Y., and *empty containers or other such incidental facilities,* used in transporting the above described commodities, on return.

NOTE: Applicant states that he holds Permit MC 113592 for the same commodity and territory. It believes that its operations are those of a common carrier instead of a contract carrier under the Interstate Commerce Act and seeks to convert its present permit to a certificate.

HEARING: March 14, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 115135 (Sub No. 4), filed October 19, 1959. Applicant: CHEMICAL EXPRESS, a Corporation, 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in containers (bags), from Echo, Tex., to points in Louisiana. Applicant is authorized to transport bulk cement from Maryneal, Tex., to points in New Mexico.

NOTE: Applicant indicates it is under common control with Smith Transit, Inc., MC 113514, and Cement Transports, Inc., MC 116391; therefore, common control and dual operations may be involved.

HEARING: March 16, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its rights to participate before Examiner Lacy W. Hinely.

No. MC 115491 (Sub No. 17), filed December 7, 1959. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 155 West Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products* (not requiring refrigeration), from points in Florida, to points in South Dakota, points in Wisconsin on and north of U.S. Highway 18, those in Michigan on and west of Michigan Highway 35 between Menominee and Escanaba, Mich., and those on and west of U.S. Highway 41 from Escanaba to Marquette, Mich. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illlinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, Ohio, South Carolina, and Wisconsin.

HEARING: March 21, 1960, at the U.S. Court Rooms, Tampa, Florida, before Examiner James I. Carr.

No. MC 114541 (Sub No. 3), filed December 9, 1959. Applicant: FLORIDA FROZEN FOODS EXPRESS LIMITED, 4 Westside Drive, Toronto, Ontario, Canada. Applicant's attorney: Chester E. King, 1507 M Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, between points in Florida, and the port of entry on the International Boundary Line between the United States and Canada, located at Niagara Falls, N.Y., restricted to traffic destined or originating at points in the Provinces of Ontario and Quebec, Canada, including Toronto, Ontario, and (2) *citrus products*, not canned and not frozen from points in Florida to the port of entry on the International Boundary Line between the United States and Canada, located at Niagara Falls, N.Y., restricted to traffic destined to points in the Provinces of Ontario and Quebec, Canada and (3) *meats*, under bond from the port of entry on the boundary between the United States and Canada at Niagara Falls, N.Y., to points in Florida. Applicant is authorized to conduct operations in Florida and New York.

HEARING: March 17, 1960, at the U.S. Court Rooms, Tampa, Florida, before Examiner James I. Carr.

No. MC–115841 (Sub No. 65), filed November 23, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Adams, Chatesugay, Carthage, and Cuba, N.Y., to points in Georgia, North Carolina, South Carolina, and Tennessee. Applicant is authorized to conduct operations to all points in the United States except to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

HEARING: March 9, 1960, at the Federal Building, Syracuse, New York, before Examiner Francis A. Welch.

No. MC–116077 (Sub No. 67), filed July 24, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Thomas E. James and Charles D. Mathews, 1020 Brown Building, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquids*, in bulk, between points in Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

NOTE: Applicant indicates it proposes to render a call and demand service in the transportation of the above-specified commodity.

HEARING: March 7, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 116077 (Sub No. 68), filed August 24, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P.O. 9218, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858, 1020 Brown Building, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, products* and *blends thereof*, in bulk, between points in Texas and Louisiana. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

HEARING: March 14, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before, Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 116077 (Sub No. 69), filed August 24, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals* not limited to the description in *The Maxwell Co. Extension-Addyston* 63 M.C.C. 677, in bulk, and the return of shipper-owned *trailers*, between points in Galveston County, Tex., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Delaware, Maryland, West Virginia, Kentucky, Virginia, North Carolina, South Carolina, Indiana, Wisconsin, Minnesota, Pennsylvania, Ohio, New Jersey, Illinois, Iowa, and Michigan. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

HEARING: March 9, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Lacy W. Hinely.

No. MC 116077 (Sub No. 71) filed September 11, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P.O. Box 9218, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858 (Brown Building), Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt water* and *brine water*, in bulk, in specialized equipment, between points in Louisiana, Texas, Arkansas, and Oklahoma. Applicant is authorized to conduct operations in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Idaho, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Minnesota, Montana, Nebraska, North Dakota, New Mexico, North Carolina, Ohio, Oregon, Oklahoma, South Carolina, South Dakota, Texas, Tennessee, Utah, Wyoming, West Virginia, Wisconsin, and Washington.

HEARING: March 11, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Lacy W. Hinely.

No. MC 116077 (Sub No. 74), filed October 19, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P.O. Box 9218, Houston, Tex. Applicant's attorney: Charles D. Mathews and Thomas E. James, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, (1) between points in Jefferson, Harris, and Nueces Counties, Tex., on the one hand, and, on the other, points in New

Mexico; and (2) between points in Nueces County, Tex., on the one hand, and, on the other, points in Oklahoma. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

NOTE: Applicant states it proposes to render a call and demand service in the transportation of Molasses, in bulk, in tank vehicles.

HEARING: March 15, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Texas, before Joint Board No. 210, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 116314 (Sub No. 5), filed December 22, 1959. Applicant: MAX BINSWANGER, doing business as MAX BINSWANGER TRUCKING, 3129 Flintridge Avenue, Fullerton, Calif. Applicant's attorney: Rufus Bailey, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cement*, from Colton, Victorville, Ora Grande, Cushenberry, Crestmore and Creola, Calif., to points in Nevada; except from Colton and Victorville, Calif., to points in Clarke, and Lincoln Counties, Nev., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in California and Nevada.

HEARING: March 9, 1960, at the Federal Building, Los Angeles, California, before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 116367 (Sub No. 4), filed November 30, 1959. Applicant: MIRO'S EXPRESS & VAN LINES, INC., 43-21 161st Street, Flushing 58, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage*, in seasonal operations between June 1 and September 30, inclusive, of each year, between New York, N.Y., points in Nassau, Suffolk and Westchester Counties, N.Y., and points in Passaic, Essex, Bergen, Union and Hudson Counties, N.J., on the one hand, and, on the other, points in Essex, Delaware, Dutchess, Franklin, Greene, Rensselaer, Ulster, Orange, Broome, Columbia, Warren, Herkimer, Otsego, Hamilton, Chenango, Clinton, Washington, Saratoga, Oneida, Albany, Rockland, Putnam, Schoharie, and Fulton Counties, N.Y., points in Somerset, Kennebec, Cumberland, Lincoln, Oxford, Knox, York, Franklin, and Androscoggin Counties, Maine, points in Fairlee, Windham, Orange, Rutland, Chittenden, Addison, Grand Isle, Orleans, Windsor, Washington, Caledonia, and Essex Counties, Vt., points in Wayne, Pike, Susquehanna, Bucks, Monroe, and Berkshire Counties, Pa., points in Litchfield, Fairfield, Tolland, New Haven, Middlesex, New London, and Windham Counties, Conn., points in Berkshire, Hampshire, Franklin, Hampden, Worcester, and Barnstable Counties, Mass., and points in Grafton, Cheshire, Hillsboro, Merrimack, Carroll, Belknap, Sullivan, Rockingham, and Strafford Counties, N.H. Applicant is authorized to conduct operations in New York, Pennsylvania, Maine, and Vermont.

NOTE: Applicant states all duplicating authority is to be canceled.

HEARING: March 9, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 116524 (Sub No. 4), filed November 18, 1959. Applicant: AUSTIN R. THOMPSON, Mount Vision, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green rough lumber*, from points in Wayne, Cayuga, Onondaga, and Seneca Counties, N.Y., to Celina and Logan, Ohio, Muskegon and Reed City, Mich., and Hagerstown, Frederick, and Baltimore, Md., and *rejected shipments*, on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont.

HEARING: March 2, 1960, at the Federal Building, Albany, New York, before Examiner Francis A. Welch.

No. MC 117642 (Sub No. 2), filed December 31, 1959. Applicant: F. P. NIELSON, WILLIS F. NIELSON, IVAN R. NIELSON AND LARS P. NIELSON, doing business as ARIZONA SALES COMPANY, P.O. Box 787, 116 West 4th Avenue, Mesa, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical fertilizer*, in bags, from points in Orange and Los Angeles Counties, Calif., Fontana, Brea, Nitroshell, Vernon, and San Diego, Calif., and points in the Los Angeles Harbor Commercial Zone as defined by the Commission, to points in Maricopa, Pinal, Cochise, Yuma, and Graham Counties, Ariz., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arizona and California.

NOTE: Applicant states that the proposed operation shall be subject to the restriction that liquid chemical fertilizer is not authorized.

HEARING: March 10, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 118624 (Sub No. 1), filed November 27, 1959. Applicant: SAMPSON TRUCKLINES, INC., Clinton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, veneer*, and articles manufactured therefrom (not including new and used furniture), from points in Sampson and Cumberland Counties, N.C., to points in Virginia, Maryland, Pennsylvania, West Virginia, Indiana, Illinois, Michigan, New Jersey, New York, Iowa, Missouri, Ohio, Connecticut, Massachusetts, Kentucky, South Carolina, Alabama, Georgia, Florida, and the District of Columbia, and *damaged or rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia.

HEARING: March 29, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner James I. Carr.

No. MC 118674, filed February 18, 1959. Applicant: JESUS GUZMAN, 1697 Harvard Street, Brownsville, Tex. Applicant's attorney: D. J. Lerma, 202 Lerma Building, Brownsville, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables*, and *bananas*, between Brownsville, Tex., and New Orleans, La.

HEARING: March 15, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 119163 (Sub No. 4), filed December 16, 1959. Applicant: ROLLING BOATS, INC., 27th Floor Life and Casualty Tower, Nashville, Tenn. Applicant's attorney: Harold Seligman, 26th Floor Life and Casualty Tower, Nashville, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Boats* (of any size or description), loaded in special rack boat trailers, and *parts thereof*, when accompanying the boats, (1) from points in North Carolina to points in the continental United States including the District of Columbia, and (2) from Charleston, S.C., and points within 5 miles thereof to points in the continental United States, including the District of Columbia, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: March 28, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner James I. Carr.

No. MC 119187, filed August 31, 1959. Applicant: TRANSPORTERS INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite ore* (barytes), in bulk, in specialized equipment, between points in Arkansas, Louisiana and Texas.

HEARING: March 16, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 153, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 119249, filed October 7, 1959. Applicant: EUGENE BRISK, doing business as GENE BRISK DELIVERY, 18 Warren Place, Plainview, Long Island,

N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, such as refrigerators, freezers, sinks, dryers, washers, ranges, television sets, radio sets, air conditioners, and record players, and *rejected, refused, or replaced merchandise* of the above-specified commodities, between stores and warehouses located at Newark and Wood-Ridge, N.J., and Yonkers, Hempstead, Long Island, and New York, N.Y., and points in Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, N.Y, and New York, N.Y., points in Fairfield and New Haven Counties, Conn., and those in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J.

NOTE: Applicant states the proposed transportation is to be performed under a continuing contract with S. Klein Department Stores, Inc., S. K Major Appliance Corporation, S. K. Newark Major Appliance Corporation, S. K. Hempstead Major Appliance Corporation, S. K. Westchester Major Appliance Corporation, and Worldwide Appliance, Inc., all located at 6 Union Square, New York, N.Y., and S. Klein Warehouse Corporation, 10 Congress Street, Brooklyn, N.Y. Applicant further states he proposes to transport Rejected, refused, or replaced merchandise of the above-specified commodities on return movements.

HEARING: March 7, 1960, at 346 Broadway, New York, New York, before Examiner Harold W. Angle.

No. MC 119265, filed October 19, 1959. Applicant: FESS TRANSPORT, LTD., 28 Olsen Street, Buffalo 6, N.Y. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, and commodities requiring special equipment, between ports of entry on the International Boundary line between the United States and Canada on the Niagara River, on the one hand, and, on the other, Buffalo and Niagara Falls, N.Y.

NOTE: Applicant states that the above service will be restricted to traffic moving in foreign commerce only.

HEARING: March 17, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, New York, before Examiner Francis A. Welch.

No. MC 119280, filed October 29, 1959. Applicant: WHITE AIR FREIGHT SERVICE, INC., 1402 Palmer, Houston, Tex. Applicant's attorney: Harry W. Patterson, San Jacinto Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between Houston International Airport, on Airport Boulevard, Andrau Airpark, Westheimer Road, Alief, Tex. (both in the Houston, Tex., Commercial Zone), and the Jefferson County Airport, located between Beaumont and Port Arthur, Tex., on U.S. Highway 287, on the one hand, and, on the other, points in Matagorda, Wharton, Lavaca, Fayette, Colorado, Brazoria, Fort Bend, Austin, Washington, Burleson, Brazos, Leon, Madison, Grimes, Walker, Montgomery, Harris, Galveston, Chambers, Polk, Liberty, San Jacinto, Trinity, Houston, Tyler, Hardin, Jefferson, Orange, Jasper, and Newton Counties, Tex., and Cameron, Calcasieu, Jefferson Davis, Beauregard, Allen, and Vernon Parishes, La.

NOTE: Applicant indicates its principal stockholders are also partners and owners of G. A. White Express which owns Texas Railroad Commission Certificate No. 2708, leased to Film Express Agency, an operating company composed of G. A. White Express and Film Transfer Company; and that Film Express Agency has registered said Certificate 2708 with the Interstate Commerce Commission under the Second Proviso of section 206(a)(1), in No. MC 96718.

HEARING: March 17, 1960, at the Federal Office Building, Franklin and Fannin Street, Houston Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 119289, filed November 3, 1959. Applicant: W. B. STEPHENS AND FRANK M. TEACHOUT, a Partnership, doing business as S & T ENTERPRISES, 217 South Franklin Street, Tampa, Fla. Applicant's attorney: Lewis H. Hill, Jr., First Nat'l Bank Building, Tampa 2, Fla. authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock and poultry feeds, prepared animal feeds*, and *animal feed supplements*, prepared or unprepared, in bulk, bags or containers, from Minneapolis, Minn., including points in Hennepin and Ramsey Counties, Minn., to points in Florida; (2) *the above-described commodities*, salt-medicated, or with minerals added or without, in bulk, bags or containers, from Hutchinson, Kans., including points in Reno County, Kans., Winnfield, La., including points in Winn Parish, La., and Houston, Hoxley and Missouri City, Tex., including points in Harris County, Tex., to points in Florida; and (3) *fish meal*, in bags or containers, from Portland, Maine, including points in Cumberland County, Maine, to points in Florida; and *exempt commodities* under section 203 (b)(6), on return.

NOTE: Applicant states the proposed operations under (1), (2) and (3) above will be in truckload lots, minimum 30,000 pounds, from point of origin.

HEARING: March 14, 1960, at the U.S. Court Rooms, Tampa, Florida, before Examiner James I. Carr.

No. MC 119325, filed November 25, 1959. Applicant: ELIZABETH PEARSON, doing business as HARRY L. PEARSON TRUCKMEN, 65 Carmine Street, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by, or utilized in the conduct of the business of retail department stores, and *returned, refused or rejected, or damaged shipments of the above specified commodities*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between Paramus, N.J., on the one hand, and, on the other, New York, N.Y., Yonkers, N.Y., Roosevelt Field, Nassau County, Long Island, N.Y., Valley Stream, Nassau County, Long Island, N.Y., and Bay Shore, Suffolk County, Long Island, N.Y.

NOTE: Applicant states that the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts with Gimbel Bros., Inc., New York, N.Y.

HEARING: March 8, 1960, at 346 Broadway, New York, N.Y., before Examiner Harold W. Angle.

No. MC 119326 (Sub No. 2), filed January 13, 1960. Applicant: MILES NESBITT, ORLO M. HOBBS AND CHARLES W. HOBBS doing business as HOBBS TRUCKING CO., 325 North Tustin Avenue, Orange, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in Clark and Washoe Counties, Nev., and *rejected and contaminated shipments* on return.

HEARING: March 7, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78 or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 119334, filed November 27, 1959. Applicant: JOSEPH F. ENGLISH, doing business as ENGLISH SHELL SERVICE, 161 Main Street, Winsted, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, towed by wrecker, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New York, Rhode Island, New Hampshire, Vermont, New Jersey, and Pennsylvania.

HEARING: March 15, 1960, in the U.S. Court Rooms, Hartford, Connecticut, before Examiner Harold W. Angle.

No. MC 119351 filed December 8, 1959. Applicant: CURTIS HENRY BYINGTON AND AUBREY BENNETT PRUET, doing business as INTERNATIONAL MOTOR CARRIERS, 1335½ West Washington Street, P.O. Box 5234, Orlando, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen citrus products, and citrus products not frozen*, in vehicles equipped with mechanical refrigeration, from points in Florida to points on the International Boundary Line between United States and Canada located in the states of Minnesota, Michigan, New York, and Maine.

NOTE: Applicant states that traffic will be destined to Canada and its Maritime Provinces.

HEARING: March 18, 1960, at the U.S. Court Rooms, Tampa, Florida, before Examiner James I. Carr.

No. MC 119369, filed December 17, 1959. Applicant: CARTER F. RAY-

MOND & CO., INC., 149 King Street, Cohasset, Mass. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat accessories, and supplies*, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

NOTE: Applicant advises accessories and supplies will be transported at the same time and on the same vehicle as boats to which they are or will be attached.

HEARING: March 16, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harold W. Angle.

No. MC 119370, filed December 16, 1959. Applicant: HARRY LEVINE, 3 Warren Street, Ellenville, N.Y. Applicant's attorney: John J. Brady, 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots, lumber* (rough and finished) *paper and paper stock, flour in bags*, and *machinery*, from Pine Bush, Orange County, N.Y., to points in Ulster, Sullivan, Green, Orange, Dutchess, and Putnam Counties, N.Y.

HEARING: March 3, 1960, at the Federal Building, Albany, New York, before Examiner Francis A. Welch.

No. MC 119371, filed December 17, 1959. Applicant: BETHLEHEM MINK FARM, INC., Bethlehem South Road., R.F.D. No. 3, Littleton, N.H. Applicant's attorney: G. Marshall Abbey, Forty Stark Street, Manchester, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated dairy products*, consisting of *cream, butter, Bakers cheese, cottage cheese, and ice cream*, in containers, from Ogdensburg and Champlain, N.Y., to Rutland, Vt., and from Rutland, Vt., to Boston, Mass., Saratoga Springs, N.Y., and Newport and Portland, Maine.

HEARING: March 21, 1960, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Harold W. Angle.

MOTOR CARRIERS OF PASSENGERS

No. MC 93443 (Sub No. 1), filed December 15, 1959. Applicant: SCHENECTADY TRANSPORTATION CORPORATION, 1335 Albany Street, Schenectady, N.Y. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, between Schenectady, N.Y., and Albany, N.Y., (1) from Schenectady over New York Highway 5 to Albany, and return over the same route, serving all intermediate points. (2) From Schenectady over Guildeland Avenue to junction Curry Road, thence over Curry Road to junction New York Highway 146, thence over New York Highway 146 to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, and return over the same route, serving all intermediate points. (3) From Schenectady over Consaul Road to junction Troy-Shaker Road, thence over Troy-Shaker Road to Albany-Shaker Road, thence over Albany-Shaker Road to Everette Road, thence over Everette Road to Watervliet Avenue, thence over Watervliet Avenue to junction New York Highway 5, thence over New York Highway 5 to Albany, and return over the same route, serving all intermediate points. Applicant is authorized to conduct irregular route operations in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: March 4, 1960, at the Federal Building, Albany, New York, before Examiner Francis A. Welch.

No. MC 108359 (Sub No. 5), filed January 5, 1960. Applicant: WESTERN NEW YORK MOTOR LINES, INC., Terminal Building, Court and Ellicott Streets, Batavia, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Rochester, N.Y., and Syracuse, N.Y.: From Rochester over U.S. Highway 104 to junction New York Highway 370 and thence over New York Highway 370 to Syracuse, and return over the same route, serving all intermediate points.

NOTE: Applicant is also authorized to conduct operations as a broker in License No. MC 12024 transporting passengers and their baggage, and express, in the same vehicle, between points in the Untied States.

HEARING: March 10, 1960, at the Federal Building, Syracuse, New York, before Examiner Francis A. Welch.

No. MC 119404, filed January 4, 1960. Applicant: RATHBUN BUS SERVICE LIMITED, 148 Victoria Avenue, Trenton, Ontario, Canada. Applicant's representative: Raymond A. Richards, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between Ports of Entry on the boundary between the United States and Canada at Cornwall, the Ivy Lee Bridge, Niagara Falls, and Buffalo, N.Y., on the one hand, and, on the other, points in New Jersey, New York, Ohio, and Pennsylvania.

HEARING: March 11, 1960, at the Manger Hotel, Rochester, New York, before Examiner Francis A. Welch.

No. MC 119424, filed January 11, 1960. Applicant: S. J. TUSSY AND REX WHITE, doing business as ALCAN BUS LINES, 2048 South La Cienega Boulevard, Los Angeles 34, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between Oklahoma City, Okla., and Los Angeles, Calif., from Oklahoma City over U.S. Highway 66 to Flagstaff, Ariz., thence over Alternate U.S. Highway 89 southward to junction U.S. Highway 89, thence over U.S. Highway 89 to Congress, Ariz., thence over U.S. Highway 70 to Aguila, Ariz., thence continue over U.S. Highway 70 westward into Redlands, Calif., and thence continue into Los Angeles over the San Bernardino Freeway (U.S. Highways 60, 70, and 99), and return over the same route, serving the intermediate point of Amarillo, Tex.

NOTE: Applicant states that Amarillo, Tex., is to be the only intermediate ticket office where applicant will call for passengers on both east bound and west bound trips.

HEARING: March 14, 1960, at the Federal Building, Los Angeles, Calif., before Examiner Jair S. Kaplan.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub No. 440), filed January 21, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ward A. White, P.O. Box 332, 410 Bell Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plant site of the Globe Mining Company, a division of Union Carbide Nuclear Company, Gas Hills Area, Wyo., located on an unnumbered highway approximately 57 miles east of Riverton, Wyo., and 28 miles southwest of Waltman, Wyo., as an off-route point in connection with applicant's authorized regular route operations between Lander, Wyo., and Casper, Wyo.

NOTE: Applicant states said authority between Lander and Casper, Wyo., was originally granted to Gallagher Freight Lines, Inc., under Certificate No. MC 73675. On July 27, 1959, Gallagher Freight Lines, Inc., was acquired by Consolidated Freightways, Inc. pursuant to authority granted in Docket MC-F-6221. On November 6, 1958, all the assets of Consolidated Freightways, Inc. were transferred to the applicant herein pursuant to authority granted in Docket MC-F-7000. Common control may be involved.

No. MC 66562 (Sub No. 1626), filed January 19, 1960. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Mehaffy, Smith & Williams, Boyal Building, Little Rock, Ark. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Little Rock, Ark., and Brinkley, Ark., from Little Rock over U.S. Highway 67 to junction Arkansas Highway 30, thence over Arkansas Highway 30 to junction Arkansas Highway 11, thence over Arkansas Highway 11 to Stuttgart, Ark., thence continuing over Arkansas Highway 11 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction Arkansas Highway 17, thence over Arkansas Highway 17 to junction U.S.

Highway 70, thence over U.S. Highway 70 to Brinkley, and return over the same route, serving the intermediate points of Glarendon, Stuttgart and England, Ark. The service to be performed by said carrier shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported to be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by air or rail.

No. MC 66562 (Sub No. 1627), filed January 19, 1960. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Mehaffy, Smith & Williams, Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Hoxie, Ark., and Dexter, Mo., from Hoxie over U.S. Highway 67 to junction Arkansas Highway 25, thence over Arkansas Highway 25 to junction Arkansas Highway 1, thence over Arkansas Highway 1 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Missouri Highway 25, thence over Missouri Highway 25 to Dexter, and return over the same route, serving the intermediate points of Paragould, Rector and Piggott, Ark., and Walden, Mo. The service to be performed by applicant will be limited to such as is auxiliary to or supplemental of rail or air express service. The shipments to be transported under the authorization sought herein originating at or destined to points beyond Hoxie, Ark., or Dexter, Mo. shall be limited to those moving on a through bill of lading or express receipt covering in addition to a motor carrier movement by said carrier an immediately prior or immediately subsequent movement by rail or air except shipments moving between points on the described route.

No. MC 114106 (Sub No. 21), filed January 22, 1960. Applicant: MAYBELLE TRANSPORT COMPANY, a Corporation, 1820 South Main Street, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar*, in bulk, in tank vehicles, from Charlotte, N.C., to points in Kentucky on, south and east of a line beginning at the Kentucky-West Virginia State line at U.S. Highway 60, and extending along U.S. Highway 60 to Versailles, Ky., thence over U.S. Highway 62 to Elizabethtown, Ky., and thence over U.S. Highway 31W to the Kentucky-Tennessee State line, and points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line at U.S. Highway 31W and extending along U.S. Highway 31W to Nashville, Tenn., and thence over U.S. Highway 31 to the Tennessee-Alabama State line.

NOTE: Applicant is authorized to conduct common carrier operations in Certificate No. MC 114106 and sub numbers thereunder, and contract carrier operations in Permit No. MC 115176; therefore, dual operations may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Sub No. 58), filed January 25, 1960. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's attorney: C. Zimmerman, P.O. Box 730, Wichita 1, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Dodge City, Kans., and Minneola, Kans., from Dodge City, over U.S. Highway 283 to Minneola, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub No. 202), filed January 25, 1960. Applicant: RISS & COMPANY, INC., Ninth and Burlington, North Kansas City, Mo. Applicant's attorney: Ivan E. Moody, Ninth and Burlington, North Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: To, from and through St. Louis, Mo., from and to points in Oklahoma and Texas and over the routes as hereinafter set forth: *General commodities*, except livestock, Between Kansas-Oklahoma State line and Durant, Okla., serving all intermediate points: and the off-route point of Hugo, Okla., said off-route point to be served over U.S. Highway 70 from Durant: From Kansas-Oklahoma State line over U.S. Highway 81 to Waurika, Okla., thence over U.S. Highway 70 to Durant, and return over the same route. Between Kansas-Oklahoma State line and Ardmore, Okla., serving all intermediate points: From Kansas-Oklahoma State line over U.S. Highway 77 to junction unnumbered highway (formerly U.S. Highway 77) near Edmond, Okla., thence over unnumbered highway to Edmond, thence over Oklahoma Highway 77 (formerly U.S. Highway 77) to Oklahoma City, Okla., thence over U.S. Highway 77 to Ardmore, and return over the same route. Between Kansas-Oklahoma State line and Denison, Tex., serving all intermediate points; and the off-route point of Hugo, Okla., said off-route point to be served over U.S. Highway 70 from Durant, Okla.: From Kansas-Oklahoma State line over U.S. Highway 59 to Welch, Okla., thence over Oklahoma Highway 2 (formerly U.S. Highway 59) to Vinita, Okla., thence over U.S. Highway 69 to junction unnumbered highway (formerly U.S. Highway 69), thence over unnumbered highway to Wagoner, Okla., thence over Oklahoma Highway 51 to junction U.S. Highway 69, thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Denison, and return over the same route. Between Oklahoma City, Okla., and Atoka, Okla., serving all intermediate points: From Oklahoma City, Okla., over U.S. Highway 270 to junction U.S. Highway 75, thence over U.S. Highway 75 to Atoka, and return over the same route. Between Oklahoma City, Okla., and junction Kansas-Oklahoma State line, serving the intermediate points: From Oklahoma City over Oklahoma Highway 77 (formerly U.S. Highway 66) to Edmond, Okla., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Kansas-Oklahoma State line. *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Catoosa, Okla., and Tulsa, Okla., serving no intermediate points except as otherwise authorized to be served, and serving the off-route point of the Bomber Assembly Plant Site northeast of Tulsa: From Catoosa over U.S. Highway 66 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to Tulsa, and return over the same route. Between Dallas, Tex., and Denison, Tex., serving the intermediate points of McKinney, and Sherman, Tex.: From Dallas over U.S. Highway 75 to Denison, and return over the same route. Between Dallas, Tex., and Fort Worth, Tex., serving no intermediate points: From Dallas over Texas Highway 114 to Grapevine, Tex., thence over Texas Highway 121 to Fort Worth, and return over the same route. *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring equipment. Between Sapulpa, Okla., and junction U.S. Highways 75 and 270, about nine miles north of Calvin, Okla., serving no intermediate points: From Sapulpa over U.S. Highway 75 to junction U.S. Highway 270, and return over the same route. *General commodities, including household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, but excluding livestock: Between Oklahoma City, Okla., and Oklahoma-Kansas State line, with no service at intermediate points and the termini, except otherwise authorized: From Oklahoma City over Oklahoma Highway 3 to junction U.S. Highway 81, thence over U.S. Highway 81 to Kingfisher, Okla., thence over Oklahoma Highway 33 to junction U.S. Highway 270, thence over U.S. Highway 270 to junction U.S. Highway 183, thence over U.S. Highway 183 to Buffalo, Okla., thence over U.S. Highway 64 to junction U.S. Highway 83, thence over U.S. Highway 83 to Kansas-Oklahoma State line. *General commodities*, except those of unusual value, livestock, Class A and B explosives, commodities in bulk, and commodities exceeding ordinary equipment and loading facilities, over irregular routes, Between, Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla. ALTERNATE ROUTES FOR OP-

ERATING CONVENIENCE: *General commodities,* except livestock, Between Tulsa, Okla., and Buffalo, Okla., serving no intermediate points, and with service at Buffalo for the purpose of joinder only: From Tulsa over U.S. Highway 64 to Buffalo, and return over the same route. *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Ardmore, Okla., and Dallas, Tex., serving no intermediate points: From Ardmore over U.S. Highway 77 to junction unnumbered highway (formerly U.S. Highway 77) near Gainesville, Tex., thence over unnumbered highway via Gainesville to junction U.S. Highway 77, thence over U.S. Highway 77 to Dallas, and return over the same route. *General commodities, including Class A and B explosives,* but excluding livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Kansas-Oklahoma State line and Tulsa, Okla., serving no intermediate points, and with no service at the termini: From Kansas-Oklahoma State line over U.S. Highway 75 to Tulsa, and return over the same route. *NO. MC 200, SUB 144,* dated March 17, 1958: ALTERNATE ROUTE FOR OPERATING CONVENIENCE ONLY: *General commodities,* except livestock, Between McAlester, Okla., and Calvin, Okla., in connection with carrier's regular route operations between the termini serving no intermediate points, restricted to the transportation of shipments destined to or originating at the Naval Ammunition Depot, near Savanna, Okla.: From McAlester over U.S. Highway 270 to Calvin, and return over the same route. *NO. MC 200, SUB 174* (Certificate Pending) To transport the authorized commodities over the above routes, between the above points, on the one hand, and St. Louis, Mo., on the other hand, MC 200 Sub 174, seeks common carrier authority over regular routes, transporting: *Compressed gases,* in bulk, when moving in United States Government-owned trailers, for account of the Atomic Energy Commission or its cost-type contractors, and the return of *empty United States Government-owned trailers,* from, to, and between all points presently authorized to be served in the performance of regular and alternate route operations in and through Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia, in Certificates in MC 200 and certain sub numbers thereunder. *General Commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving points in the Fort Worth, Texas Commercial Zone, as defined by the Commission, as intermediate or off-route points in connection with carrier's otherwise authorized regular route operations to and from Fort Worth, Texas. Serving Garland, Texas, as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Dallas, Texas. Serving points in the Dallas, Texas, commercial zone, as defined by the Commission as intermediate or off-route points in connection with carrier's otherwise authorized regular route operations to and from Dallas, Texas. *General commodities,* except livestock, Serving points in the Tulsa, Okla., commercial zone, as defined by the Commission, except Tulsa, as intermediate or off-route points in connection with carrier's regular route operations to and from Tulsa, Okla. Service over the following routes restricted to use in connection with service routes through Colorado and Nebraska via Omaha, Nebr., and points east thereof to, from, and through Chicago, Ill., and restricted against transportation of any commodities, other than Class A and B Explosives, between Kansas City, Mo., and points in Colorado. *General Commodities,* except livestock, Between Denver, Colo., and Junction Colorado-Kansas State lines, serving all intermediate points: From Denver over U.S. Highway 40 to Limon, Colo., thence over U.S. Highway 40 to Kansas-Colorado State line (also from Limon over U.S. Highway 24 to Kansas-Colorado State line). From Denver over U.S. Highway 85 to Pueblo, Colo., thence over U.S. Highway 50 to Kansas-Colorado State line. *General Commodities,* except livestock and petroleum products, in bulk, in tank vehicles. Serving the site of the U.S. Atomic Energy Plant, at or near Marshall, Colo., as an off-route point in connection with regular route operations to and from Denver, Colo. *General Commodities,* except those of unusual value, commodities in bulk, and those requiring special equipment over irregular routes. Between Denver, Colo., and Denver Ordnance Plant, Remaco, Colo., restricted to traffic moving to or from points served by carrier other than Denver.

NOTE: This application is directly related to Docket MC–F 7413, published in the January 13, 1960 issue of the FEDERAL REGISTER on page 277. Applicant states as follows: Applicant presently holds authority between all of the points and all of the routes described herein. However, this application is pertinent and related to MC–F 7413, wherein applicant is selling to Buckingham Freight Lines authority to serve such points and highways to and from certain points in Colorado, Kansas and Kansas City, Mo., making this application necessary in order to continue service to and from St. Louis, Mo., and between Denver and certain Colorado points.

No. MC 98832 (Sub No. 1), filed January 25, 1960. Applicant: THE HARBOR TRANSPORTATION CO., INC., 30 Waterfront Street, New Haven, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* other than those that require the use of tank trucks, between New Haven Harbor at New Haven, Conn., and points in Connecticut.

NOTE: This application is directly related to Docket MC–F 7433. Applicant is authorized in Docket No. MC 98832 to engage in operations under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

No. MC 111159 (Sub No. 107), filed January 25, 1960. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Emulsified asphalt,* in bulk, in tank vehicles, from Laurel, Miss., to points in Alabama and Tennessee.

NOTE: Applicant states it has also filed a Form BMC 44 application, assigned No. MC–F–7432, which it states is directly related to the instant BMC 78 application.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

No. MC–F 7381 (SAM GOTTRY CARTING CO.—PURCHASE (PORTION)—ROCHESTER CARTING CO.), published in the December 9, 1959, issue of the FEDERAL REGISTER on page 9970. Supplement filed January 25, 1960, to show joinder of WILLIAM H. HIGGINS, 131 Brantwood Road, Snyder, N.Y., and RICHARD C. HIGGINS, 146 Hillside Drive, Orchard Park, N.Y., as the persons in control of vendee.

No. MC–F 7406 (BABCOCK & LEE PETROLEUM TRANSPORTERS, INC.—PURCHASE—E. L. JONES INC.), published in the January 6, 1960, issue of the FEDERAL REGISTER on page 102. Supplement filed January 26, 1960, to show joinder of TIM BABCOCK, 2530 Augusta Lane, Billings, Mont., as the person controlling vendee.

No. MC–F–7431. Authority sought for purchase by A. W. DUNN TRANSFER & STORAGE CO., INC., 704 Bolivar Street, Marshall, Tex., of the operating rights and property of A. W. DUNN, doing business as A. W. DUNN TRANSFER CO., 704 Bolivar Street, P.O. Box 566, Marshall, Tex., and for acquisition by A. W. DUNN, also of Marshall, of control of such rights and property through the purchase. Applicants' attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier* over irregular routes, between points in Texas, Oklahoma, Arkansas, Louisiana, and Mississippi; *flour* and *feed,* between Marshall, Tex., and Shreveport, La.; *packing-house products,* between Shreveport, La., and Marshall, Tex., on the one hand, and, on the other, certain points in Texas; *mineral earth,* between Marshall, Tex., on the one hand, and, on the other, Angola, Mathews, and New Orleans, La., and from Marshall, Tex., to Baton Rouge, Westlake, Franklin, Supreme, and Houma, La. Vendee holds no authority from this Commis-

sion. However, it is affiliated with NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East, Fort Wayne, Ind., which is authorized to operate as a *common carrier* in all States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7432. Authority sought for purchase by MILLER TRANSPORTERS, LTD., Post Office Box 1123, Jackson, Miss., of the operating rights and property of ELMER ROSE, doing business as ELMER ROSE TRUCKING COMPANY, 1300 Meridian Ave., Laurel, Miss., and for acquisition by H. D. MILLER, also of Jackson, of control of such rights and property through the purchase. Applicants' attorney: H. D. Miller, Jr., 700 Petroleum Building, Jackson, Miss. Operating rights sought to be transferred: *Emulsified asphalt*, in bulk, in tank vehicles, as a *contract carrier* over irregular routes, from Laurel, Miss., to points in Alabama and Tennessee. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-111159 Sub-107 is a matter directly related.

No. MC-F-7433. Authority sought for purchase by THE HARBOR TRANSPORTATION CO., INC., 30 Waterfront Street, New Haven, Conn., of the operating rights and property of DANIEL L. PORTANOVA, doing business as THE PORTANOVA TRUCKING COMPANY, 32 Westwood Road, Trumbull, Conn., and for acquisition by FRANK W. FLOOD, 157 Church Street, New Haven, Conn., and ROSE C. FLOOD, 67 Woodlawn Street, New Haven, Conn., of control of such rights and property through the purchase. Applicants' attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Operating rights sought to be transferred: *Lumber, lumber mill products, and building woodwork and insulating board* (except as authorized in lumber mill products), as a *contract carrier*, over irregular routes, between points in Connecticut, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and those in Westchester, Putnam and Dutchess Counties, N.Y., and Albany, N.Y. A proceeding under section 212(c), No. MC-113269 (Sub-2) has been instituted which may result in the conversion of vendor from a contract to a common carrier. Vendee is authorized to operate as a common carrier in the State of Connecticut under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-98832 Sub-1 is a matter directly related.

No. MC-F-7435. Authority sought for purchase by LESTER C. NEWTON TRUCKING CO., P.O. Box 265, Bridgeville, Delaware, of a portion of the operating rights of NORTHERN NECK TRANSFER, INC., Montross, Va. Applicants' representative: Lester C. Newton, President, Lester C. Newton Trucking Co., P.O. Box 265, Bridgeville, Delaware. Operating rights sought to be transferred: *Canned vegetables, canned fish, fresh and salted fish, and fresh tomatoes*, as a *common carrier* over irregular routes, from points in Richmond, Northumberland, Lancaster and Westmoreland Counties, Va., to points in North Carolina, South Carolina and Georgia; *tomato plants and containers* used in the transportation of fresh fish from the above specified destination points to the above specified origin points. Vendee is authorized to operate as a *common carrier* in States of Delaware, Maryland, Virginia, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, North Carolina, Vermont, New Hampshire, Maine, Florida, South Carolina, Georgia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7436. Authority sought for purchase by T. E. MERCER TRUCKING CO., 920 North Main Street, Fort Worth, Tex., of a portion of the operating rights of JESS EDWARDS, INC., McBride Lane, Corpus Christi, Tex., and for acquisition by TOMMY G. MERCER, MRS. T. E. MERCER and MRS. GEORGE E. MERCER, all of 920 North Main Street, Fort Worth, Tex., of control of such rights through the purchase. Applicants' attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe-lines, including the stringing and picking-up thereof, except in connection with main pipe-lines, between points in Kansas and Colorado, on the one hand, and, on the other, points in New Mexico, and between points in Texas, Oklahoma, Kansas, and New Mexico, on the one hand, and, on the other, points in Utah, Wyoming, Idaho and Montana. Vendee is authorized to operate as a *common carrier* in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Tennessee, Georgia, Alabama, Florida, Colorado, Wyoming, Utah, and Montana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-1075; Filed Feb. 2, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2323]

UNIVERSAL SECURITIES, INC.

Order Granting Withdrawal of Request for Hearing

JANUARY 28, 1960.

The Commission by order dated August 19, 1958, having temporarily suspended the Regulation A exemption of Universal Securities, Inc. pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and Universal Securities, Inc. having requested a hearing upon the allegations set forth in the aforementioned order; and

The Commission having ordered a hearing to be held on December 8, 1958, in accordance with such requests and having subsequently postponed said hearing until further order of the Commission upon the company's request; and

The company prior to a hearing being ordered in accordance with such request, having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto,

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-1055; Filed, Feb. 2, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during February. Proposed rules, as opposed to final actions, are identified as such.